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EXHIBIT 1

08001827

Anticipatory Search Warrant

State of Michigan

SS

County of Wayne

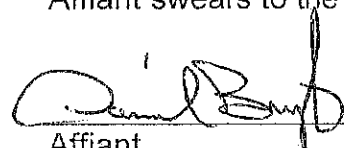
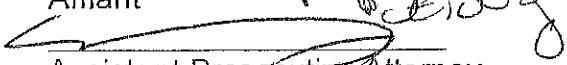
To the Sheriff or any peace officer of said county:

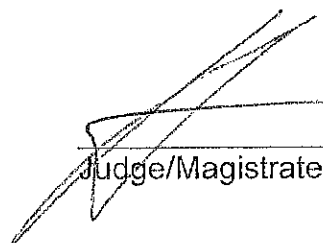
Affiant, Sergeant Daniel Buglo, badge S-444, having subscribed and sworn to an affidavit for a search warrant, and I having under oath examined affiant, am satisfied that probable cause exists:

THEREFORE IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN, I command that you search the following described place, **5141 Rosa Parks Blvd.** This location is on the southwest corner of Rosa Parks Blvd. and Bryant and described as a two story, red and gray brick, two story commercial building, commonly know as "Contemporary Art Institute of Detroit." The eastern portion of the building is red brick, and the western half is painted gray brick. This location is in the City of Detroit and the County of Wayne. The door utilized as the main point of entry into and out of the location is located on the north side of the building at the western most corner. There are black silhouettes of people painted on the north side of the building on the gray portion of the building. It is the only door on the north side of the building.. The front of the building (facing Rosa Parks blvd.) has two doors, both secured by black metal security accordion type gates. There is a dark gray awning spanning the length of the front of the building with the words "Contemporary Art Institute of Detroit" stenciled onto it. There is an approx. 6'5" red wood fence encasing the yard south of the building.

Further, to seize, secure, tabulate and make return according to the law the following property and things: All suspected controlled substances, all monies, contraband, books, and paraphernalia used in connection with illegal narcotic trafficking and gambling; alcoholic beverages of any type and the money and profits from same; any photographic, video and audio equipment, computers, hard drives, any data storage devices to store data, commonly used in association with the operation of a "**Blind Pig**." All firearms used in connection with the above described activities, all ownership occupancy, possession or control of the premises.

Affiant swears to the following facts in support of the issuance of this warrant:


Affiant

Assistant Prosecuting Attorney
PL 3013


Judge/Magistrate 36th Dist. Ct.

08001827

STATE OF MICHIGAN

AFFIDAVIT

SS

County of Wayne

The affiant is a sworn member of the Detroit Police Department, and has been so employed for nineteen years. Affiant is assigned to Vice Enforcement.

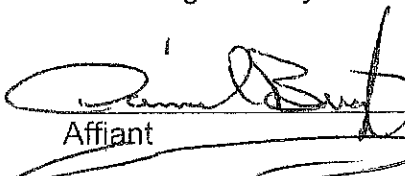
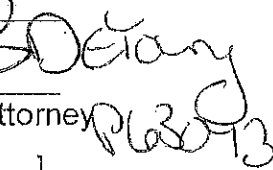
Affiant has participated in Narcotic and Vice related raids and along with members of Vice Enforcement, is currently conducting an investigation after receiving a complaint of unlicensed, after hours alcohol sales, and narcotic activity occurring at 5141 Rosa Parks Blvd, commonly known as **"Contemporary Art Institute of Detroit."**

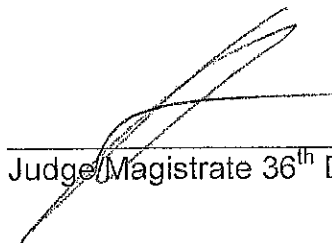
Vice Enforcement has received complaints of unlicensed after hour alcohol consumption, and illegal narcotic activity occurring at 5141 Rosa Parks Blvd. with heavy activity on the last Friday night of each month and carrying over into the early morning hours of Saturday.

Affiant conducted a review/investigation of said location from March 29, 2008 to May 23, 2008, which revealed the following.

On Saturday, March 29, 2008, at 1:40AM, Vice enforcement conducted a surveillance operation, (moved and fixed) at 5141 Rosa Parks Blvd. in order to investigate a complaint of illegal "Blind Pig" activity that occurs the last Friday of each month. At location, Vice Enforcement officers observed several white males and females entering the location through the side (north) door. Affiant observed one w/m exit a vehicle and conceal what appeared to be a fifth of liquor in his left front pants pocket and proceed to the entrance of the location. Affiant observed a w/f outside of the entrance drinking from a beer bottle. Affiant and partner both smelled a strong odor of marijuana coming from an attached outside patio area where several persons were gathered. Affiant observed approx. 50-60 vehicles parked in front of, on the side of, and in the parking lot north of the location. During our surveillance, affiant and observed approx. 15-20 white males and females enter the location. Music was heard coming from inside the location.

On Saturday, April 26, 2008, at 1:00AM Vice Enforcement conducted an undercover operation at 5141 Rosa Parks Blvd. Lt. Vicki Yost and Sergeant Daniel Buglo, entered the location in order to investigate a complaint of illegal "Blind Pig" activity that occurs the last Friday of each month.


Affiant

Assistant Prosecuting Attorney
5/29/08


Judge/Magistrate 36th Dist. Ct.

08001827

STATE OF MICHIGAN

AFFIDAVIT

SS

County of Wayne

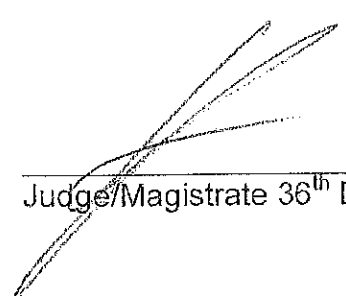
Both officers paid \$5.00 cover charge to a w/m 30-35, heavy set, bald, chin goatee, and paid \$3.00 each for a one month membership and were asked to fill out a membership card.

A w/m/20-25, sitting on a chair at a table near the entrance, entered our membership information into a lap top computer. We were then allowed to enter the location. Both officers approached the bar and observed beer on tap (Budweiser Select) and boxed wine for sale. Both officers purchased a cup of beer for \$3.00 each from a w/f/20-25, shoulder length blonde hair, tattoo on left wrist of Chinese letters. Affiant and partner then mingled with the crowd of approx. 100 people. A live band was playing and a DJ booth was active. Affiant and partner entered the outside fenced in yard, south of the building. Affiant observed several people with cans of beer, liquor bottles, and soda container. All were allowed to be brought in by patrons. Affiant and partner observed several people smoking what appeared to be marijuana (by sight and smell.) Affiant and partner sat at a picnic table and observed a w/m/19-22, named "Dan" take out a baggie of suspected marijuana and roll three marijuana cigarettes. The cigarettes were lit and passed around the group sitting/standing around the picnic table. At approx. 0220 hours, affiant purchased another beer from the bar. Affiant and partner exited the location at approx. 0230 hours and observed approx. 10 people standing in line outside of the door, waiting to get in. Vehicles were pulling into the location's parking lot as affiant and partner drove off.

On May 24, 2008 at 2:05AM, Vice Enforcement conducted a surveillance operation (moved and fixed) at 5141 Rosa Parks Blvd. in order to investigate of illegal "Blind Pig" activity that occurs the last Friday of each month. At the location, affiant observed several white males and females entering the location through the side (north) door. Affiant observed approx. 60 vehicles parked on the north side of the location in the street and in the parking lot. Affiant could here voices coming from the fenced-in yard on the south side of the location. Affiant could smell a strong odor of marijuana coming from the fenced-in yard. Two canopies were also set up in the yard. Affiant could hear music coming from inside the location and observed at least three w/ms carrying cans of beer into the location. A w/m/30s, bald, chin goatee beard, appeared to be the door man (as he was on previous occasions.) Affiant watched the location for approx. 15 minutes.


Affiant

Assistant Prosecuting Attorney


Judge/Magistrate 36th Dist. Ct.

08001827

STATE OF MICHIGAN

AFFIDAVIT

SS

County of Wayne

On May 29, 2008, affiant spoke with Ms. Tamara Williams of the Business License Department of Consumers Affairs who stated that the business located at 5141 Rosa Parks Blvd. has not been issued a City of Detroit Business License.

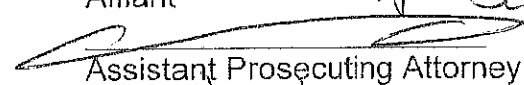
On May 29, 2008, affiant spoke with Police Officer Kenneth Hayes of the Detroit Police Department's Liquor License Unit and inquired into the status of 5141 Rosa Parks Blvd. Affiant was advised that this location has no license on file with the Liquor License Unit. Affiant confirmed this information with Ms. Jean Fickes of the Michigan Liquor Control Commission who stated that the Michigan Liquor Control Commission has not issued a license to 5141 Rosa Parks Blvd.

Wherefore, the affiant has probable cause to believe that the unlicensed facility located at 5141 Rosa Parks Blvd. is operating as an illegal operation, selling alcoholic beverages without a license, allowing the open use of narcotics, specifically but not limited to marijuana, and creates a public nuisance threatening the peace and good order of the neighborhood. This illegal activity has occurred and continues to occur unabated. The affiant also believes that an assortment of contraband will be found inside of the location, based upon affiant's police experience, training, observations made inside of the location, and previous experience in Vice related raids/activity conducted in the City of Detroit

Therefore, the affiant is requesting the granting of this search warrant to aid in the padlocking and abatement of the nuisance activity and the forfeiture of any of the equipment that is used to facilitate the illegal operation. Further based on training and experience, your Affiant knows that this illegal, unlicensed, after-hours business operates at least one (1) to (2) days per month, that being the last Friday of each month and occasionally an additional Friday, and based on previous surveillance and intelligence, this operation operates on Friday nights/Saturday mornings.

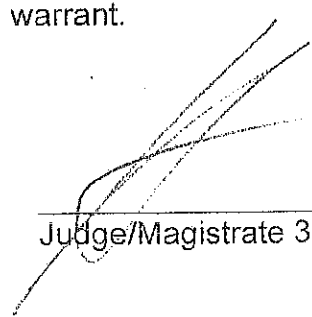
Affiant anticipates the above-referenced activity will be occurring during the early morning hours of May 31, 2008. Affiant will enter the location to do further investigation. Should Affiant observe the same type of activity as referenced above – loud music, marijuana use, illegal sales of alcohol—Affiant believe probable cause will exist to execute a search warrant.


Affiant


Assistant Prosecuting Attorney

5/29/08

R2013


Judge/Magistrate 36th Dist. Ct.

08001827

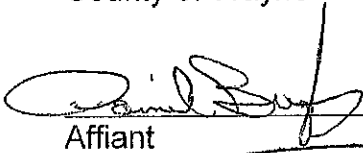
Should Affiant not observe this activity, this warrant will not be executed

STATE OF MICHIGAN

AFFIDAVIT

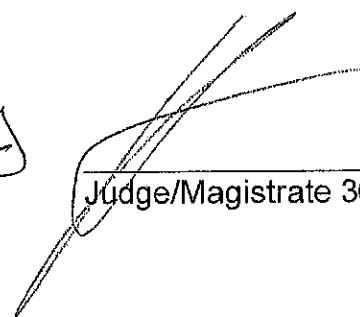
SS

County of Wayne


Affiant

Assistant Prosecuting Attorney

PLB/MB


Judge/Magistrate 36th Dist. Ct.

STATE OF MICHIGAN

SS

RETURN TO SEARCH WARRANT

COUNTY OF WAYNE

I hereby certify and return, that by virtue of the within SEARCH WARRANT to me directed, I have searched for the goods and chattels therein named, at the place therein described*

(*Strike either (1) or (2), whichever is inapplicable).

(1) And that I have such goods and chattels before the Court, described as follows:

5141 ROSA PARKS WARRANT#08001827

Evid Tag #

E28083604	\$168.00 U.S Currency from premises
E28083704	\$60.00 U.S Currency from Brandon Walley
E28083804	\$663.00 U.S Currency from Joseph Timlin
E28083904	(1) Prostar laptop computer with black leather bag
E28084004	(1) Technics Turn-table model SL1200
E28084104	(1) Vestax Mixer Ospro (premises)
E28084204	(1) Technics Turn-table model SL1200 (premises)
E28084304	(3) 5 liter containers of Franzia Wine (premises)
E28084404	(1) 30 pack case of Miller beer in cans (premises)
E28084504	\$367.00 U.S Currency from (premises)
E28084604	(1) Keg of Beer metal container (premise)

(2) And that I have been unable to find such goods and chattels.


Police Officer Raymond Smith #1619 D.P.D
Municipal Police Officer
Sheriff Deputy Sheriff

DATE AT: 2:20AM

THIS 31st DAY OF May

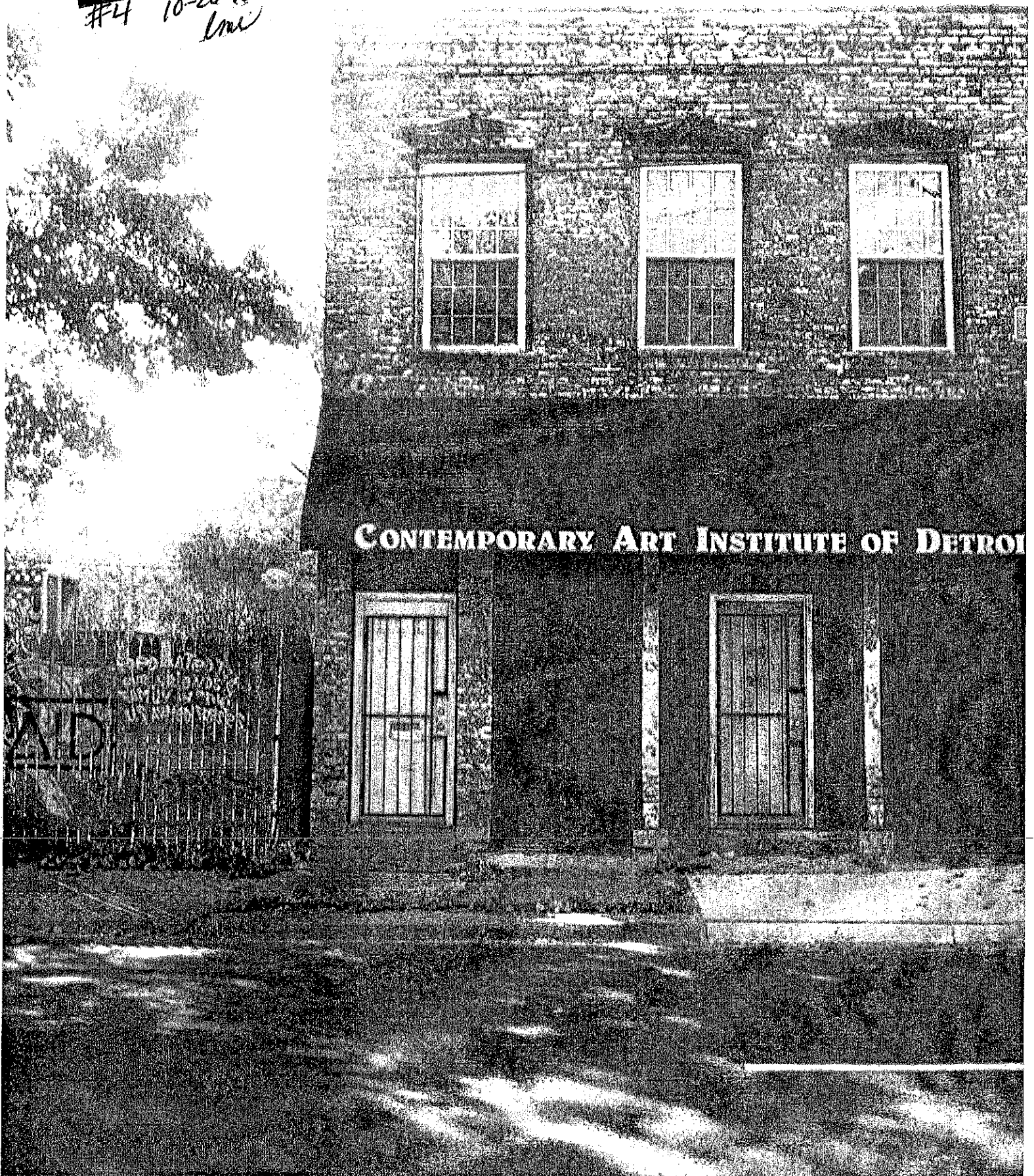
A.D.

ADDRESS 5141 ROSA PARKS

EXHIBIT 2

Front Doors
posted

DEFENDANT'S
EXHIBIT
#4 10-20-10
lmi



DEFENDANT'S
EXHIBIT

#3 10-20-10
lmu

C.A.I.D.

N Side
entry

lock



EXHIBIT 3

Vicki Yost
12/20/2011

Page 1

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IAN MOBLEY, et al,

Plaintiffs,

vs.

Civil Action

No. 10-cv-10675

HON. VICTORIA A. ROBERTS

CITY OF DETROIT, et al,

MAG. MONA K. MAJZOUN

Defendants,

PAGES 1 TO 153

The Deposition of INSP. VICKI L. YOST,
Taken at 18th floor, 660 Woodward Avenue,
Detroit, Michigan,
Commencing at 10:39 a.m.,
Tuesday, December 20, 2011,
Before Dale E. Rose, CSR-0087.

Vicki Yost

12/20/2011

2 (Pages 2 to 5)

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1 APPEARANCES:
 2
 3 MR. WILLIAM H. GOODMAN (P14173)
 4 MS. KATHRYN BRUNER JAMES (P71374)
 5 Goodman & Hurwitz, P.C.
 6 Cooperating Attorneys, American Civil
 7 Liberties Union Fund of Michigan
 8 1394 East Jefferson Avenue
 9 Detroit, Michigan 48207
 10 (313) 567-6170
 11 bgoodman@goodmanhurwitz.com
 12 kames@goodmanhurwitz.com
 13 Appearing on behalf of the Plaintiffs
 14
 15 MR. DANIEL S. KOROBKIN (P72842)
 16 American Civil Liberties Union Fund of Michigan
 17 2966 Woodward Avenue
 18 Detroit, Michigan 48201
 19 (313) 578-6824
 20 dkorobkin@aclumich.org
 21 Also appearing on behalf of the Plaintiffs.
 22
 23
 24
 25

Page 3

1 APPEARANCES (CONTINUED)
 2
 3 MS. LEE'AH D.B. GIAQUINTO (P60168)
 4 City of Detroit - Law Dept - Litigation Section
 5 660 Woodward Avenue, Suite 1650
 6 Detroit, Michigan 48226
 7 (313) 237-3035
 8 basel@detroitmi.gov
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 10 and Buglo only
 11
 12 MR. JERRY ASHFORD (P47402)
 13 City of Detroit - Law Department
 14 660 Woodward Avenue, Suite 1650
 15 Detroit, Michigan 48226
 16 (313) 237-3089
 17 ashfj@detroitmi.gov
 18 Appearing on behalf of the Defendants
 19
 20
 21
 22
 23
 24
 25

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Vicki Yost

12/20/2011

3 (Pages 6 to 9)

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1 Detroit, Michigan
 2 Tuesday, December 20, 2011
 3 About 10:39 a.m.
 4 INSP. VICKI L. YOST,
 5 having first been duly sworn, was examined and
 6 testified on her oath as follows:
 7 EXAMINATION
 8 BY MR. GOODMAN:
 9 Q. For the record, your name is Inspector Vicki
 10 Yost, am I correct?
 11 A. Yes.
 12 Q. Insp. Yost, have you ever been deposed before?
 13 A. Yes.
 14 Q. How many times would you say?
 15 A. Oh, good God, a handful.
 16 Q. Half a dozen perhaps?
 17 A. Perhaps.
 18 Q. My name is Bill Goodman, I represent the
 19 Plaintiffs in this action and I'm going to be
 20 asking you some questions and as you know from
 21 your other experiences having been deposed before
 22 I'll expect you to answer those questions.
 23 If there's anything you can't hear or
 24 you don't understand or that requires repetition
 25 or clarification, please let me know and I'll

1 Q. Okay. Insp. Yost, what documents have you
 2 reviewed in preparation for today's deposition?
 3 A. Recently the CRISNET or handwritten PCR -- not
 4 handwritten, but the typed PCR relating to a
 5 March observation and then an April observation
 6 in 2008.
 7 Q. These were CRISNET's or PCRs?
 8 A. They were PCRs.
 9 Q. And what's the difference between a PCR and a
 10 CRISNET?
 11 A. They're both a written record for the police
 12 department. One is electronic, one is not.
 13 Q. Both are official forms, is that right?
 14 A. Yes.
 15 Q. And it's my understanding on occasion -- the PCR
 16 is the form that is non-electronic, am I right,
 17 and the CRISNET is electronic, is that correct?
 18 A. Correct.
 19 Q. So that if you want to contain information and
 20 not spread it throughout the department you will
 21 generate a PCR and if that's unimportant, it
 22 doesn't matter, you'll generate a CRISNET?
 23 Is that a fair characterization?
 24 A. That's not always the truth, no. There can be
 25 more than one reason. You asserted one reason

Page 7

Page 9

1 attempt to repeat or clarify the question.
 2 Do you understand that?
 3 A. Yes.
 4 Q. And as you are doing, it's important that you
 5 answer verbally. Some people shake their heads,
 6 some people will say "uh-huh" or "uh-uh" and that
 7 makes for an unclear record, and I may have to
 8 remind you from time to time. If I do, I
 9 apologize in advance, all right?
 10 A. Yes.
 11 Q. And you have two attorneys here today. If your
 12 attorney objects to any of my questions, please
 13 withhold your answer until the objection is
 14 stated on the record.
 15 At that time most likely you will be
 16 expected and allowed by your attorney to answer
 17 the question, do you understand?
 18 A. Yes.
 19 Q. Finally, I will attempt not to interrupt your
 20 answers. If I do, I apologize and I will attempt
 21 to rectify or clarify that and I would ask that
 22 you wait until I complete my question before you
 23 start answering.
 24 That you understand as well, right?
 25 A. Yes.

1 you might want to do PCR in lieu of a CRISNET,
 2 but there could be others as well.
 3 Q. Give me a few examples of those?
 4 A. Something that's confidential, something that's
 5 preliminary in nature, something that may be
 6 sensitive to an Internal Affairs investigation,
 7 Narcotics investigation, a Vice investigation.
 8 So there's other avenues where you
 9 might opt to prepare a handwritten or -- I'm
 10 sorry, not a handwritten, but a typed PCR instead
 11 of a CRISNET.
 12 Q. Typed non-electronic?
 13 A. Correct.
 14 Q. For purposes of this deposition let's just -- and
 15 to attain a certain amount of brevity here if we
 16 talk about the PCR we're talking about the
 17 non-electronic form.
 18 If we talk about the CRISNET, we're
 19 talking about the electronic form, is that a fair
 20 way to proceed in your judgment?
 21 A. That's fine.
 22 Q. In this case I think you indicated there were two
 23 PCRs that were generated, one in March and I
 24 believe that would have been March 29th, and one
 25 in April and I believe that would be have April

Vicki Yost

12/20/2011

4 (Pages 10 to 13)

Page 10

1 26, is that correct?
 2 A. I'm not sure of the specific dates.
 3 Q. But --
 4 A. One was in March and one in April.
 5 Q. And why were those PCRs as opposed to CRISNETs,
 6 if you can recall?
 7 A. You'd have to ask Sgt. Bugio, he prepared them.
 8 Q. And anyway you reviewed both of those PCRs before
 9 today's deposition, am I right about that?
 10 A. Briefly.
 11 Q. And anything else?
 12 A. Nothing specific, no.
 13 Q. Any activity logs?
 14 A. No.
 15 Q. Also there was the Internal Affairs investigation
 16 into this matter, am I right about that?
 17 A. Not that I'm aware of.
 18 Q. Citizen's complaint -- I apologize, it was my
 19 terminology. There was a citizen's complaint
 20 investigation. I think it was conducted by
 21 Internal Affairs.
 22 Do you know anything about it?
 23 A. Not to my knowledge.
 24 Q. Did you give a statement?
 25 A. Not that I recall.

Page 11

1 Q. Okay, we'll get back to it. I'll give you time
 2 to take a look at it and then we can talk about
 3 it.
 4 MR. GOODMAN: All right, and for the
 5 record there is some outstanding discovery in
 6 this case which we anticipate there will be
 7 further production of documents.
 8 If any document is produced that
 9 requires further interrogation or questioning of
 10 this witness, I would ask that the deposition be
 11 continued for that point in time.
 12 BY MR. GOODMAN:
 13 Q. Insp. Yost, what is your date of birth?
 14 MS. GIAQUINTO: Objection, law
 15 enforcement privilege. Do not answer.
 16 BY MR. GOODMAN:
 17 Q. You're employed by the Detroit Police Department,
 18 am I correct?
 19 A. City of Detroit Police Department, yes.
 20 Q. How long have you been so employed?
 21 A. Since June 12, 1995.
 22 Q. Did you have any law enforcement background
 23 before that time?
 24 A. No.
 25 Q. What's your educational background? In other

Page 12

1 words, did you go to college?
 2 A. I have an undergraduate degree and a master's
 3 degree.
 4 Q. And your undergraduate degree is from?
 5 A. University of Maryland.
 6 Q. What is that degree? What was your major in
 7 that?
 8 A. Some version of government and politics. I'm not
 9 sure what's officially on the degree.
 10 Q. When did you receive your undergraduate degree?
 11 A. 1994 I believe.
 12 Q. And you have a master's degree also?
 13 A. Yes.
 14 Q. From?
 15 A. Eastern Michigan.
 16 Q. In what?
 17 A. Liberal studies with an emphasis in police staff
 18 and command.
 19 Q. When did you receive that master's degree?
 20 A. I'm not sure, sometime in --
 21 Q. Within the last five years?
 22 A. Probably not, no. It was within the last ten.
 23 Q. Did you write a thesis or a dissertation to get
 24 that degree?
 25 A. I'm not sure.

Page 13

1 Q. So when you came to the Detroit Police Department
 2 which would have been June 12, 1995 what training
 3 did you receive at that time?
 4 A. Assigned to the Detroit Metropolitan Police
 5 Academy and went through training there.
 6 Q. How long was your training at the academy? How
 7 long a course of training as it?
 8 A. To the best of my recollection approximately
 9 five months.
 10 Q. And what was your first assignment as a Detroit
 11 police officer?
 12 A. I was assigned to the 12th Precinct.
 13 Q. You were promoted at some point from police
 14 officer to sergeant, is that right?
 15 A. Yes.
 16 Q. When was that?
 17 A. January of '99.
 18 Q. At a police officer did you have occasion to work
 19 with the Vice Enforcement Unit of the Detroit
 20 Police Department?
 21 A. I don't specifically recall having worked with
 22 them, no.
 23 Q. When you became a sergeant what was your
 24 assignment, first assignment?
 25 A. Tactical Mobile.

Vicki Yost

12/20/2011

6 (Pages 18 to 21)

Page 18

1 there -- was there an electronic file somewhere
 2 where this data was maintained, if you can
 3 recall?
 4 A. I know that we gathered data from like cover
 5 sheets put on activity logs or something like
 6 that.
 7 Q. Were there things known as tally sheets that you
 8 can recall?
 9 A. I don't recall the specific jargon.
 10 Q. In your performance appraisals were the numbers
 11 of either arrests, citations issued or vehicles
 12 that were towed, were those reported in your
 13 performance evaluations?
 14 A. Not to my knowledge.
 15 Q. When you say not to your knowledge, are you
 16 saying that you read the performance appraisals
 17 and they did not report these kinds of statistics
 18 or that you have no knowledge that they were?
 19 A. I don't believe any of my performance appraisals
 20 have quoted statistics.
 21 Q. Is there a general category of productivity in
 22 terms of the numbers of arrests, citations issued
 23 or vehicles that were towed that's noted?
 24 In other words, this unit has been very
 25 effective at making many arrests?

Page 19

1 A. Not as you specifically laid out in the
 2 supervisor's appraisals, no.
 3 Q. How about in a more general sense, not perhaps
 4 using my words because I don't have those
 5 appraisals in front of me, but in a general idea
 6 of concept where it was reported or noted, if you
 7 can recall?
 8 A. You're going to have to repeat that.
 9 Q. I'm sorry. I'm sure I do have to repeat that.
 10 What I'm saying is, you indicated that
 11 those data were not noted or commented on as I
 12 specifically phrased it earlier, and I'm asking
 13 you was there any general view or evaluation of
 14 your performance or the performance of your unit
 15 that took into account the fact that there were
 16 many arrests made, there were many citations
 17 issued or there were many vehicles that were
 18 towed?
 19 A. I think you'd have to ask the person who prepared
 20 the performance appraisal.
 21 Q. And you don't know who that was, right?
 22 A. Off the top of my head, no.
 23 Q. Those performance appraisals are written?
 24 A. Yes.
 25 Q. Can you recall one way or the other whether those

Page 20

1 kinds of data were noted or commented on?
 2 A. What kind of data?
 3 Q. The ones that we've been asking about, arrests,
 4 citations or vehicles?
 5 A. Not that I can recall.
 6 Q. Now, in addition to being appraised yourself,
 7 your own performance being appraised, you
 8 appraised the performance of the officers and
 9 supervisors who worked under your command, is
 10 that correct?
 11 A. No.
 12 Q. Who did?
 13 A. The officers were appraised by their sergeant and
 14 I appraised the sergeants.
 15 Q. So you appraised the sergeants, is that correct?
 16 A. Yes.
 17 Q. And during your years as the commanding officer
 18 of Vice Enforcement how many sergeants -- such
 19 sergeants were there?
 20 A. Sgt. Buglo and Sgt. Turner.
 21 Q. How many such evaluations of Buglo and Turner did
 22 you do?
 23 A. I don't specifically recall.
 24 Q. In those evaluations did you take into account
 25 the productivity of those two sergeants or the

Page 21

1 officers under their command or under their
 2 supervision in terms of numbers of arrests,
 3 numbers of citations or numbers of vehicles
 4 towed?
 5 A. Without reviewing the specific appraisals I can't
 6 tell you.
 7 Q. Just one moment. Do you think you reviewed the
 8 performance of Sgt. Buglo more than one time?
 9 A. I would believe so, yes.
 10 Q. Let me ask this, inspector. Is that something --
 11 withdraw that.
 12 As the commanding officer at Vice
 13 Enforcement were you conscious of the numbers of
 14 arrests, the numbers of citations and the numbers
 15 of vehicles which were being confiscated and
 16 towed from month to month?
 17 Was that something you were aware of?
 18 MR. ASHFORD: Objection as to form.
 19 BY MR. GOODMAN:
 20 Q. I don't -- you may answer that question.
 21 MR. GOODMAN: Let's go off the record.
 22 (An off-the-record discussion was
 23 held.)
 24 BY MR. GOODMAN:
 25 Q. Back on the record. Do you remember the

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7 (Pages 22 to 25)

Page 22

1 question?
2 A. No.
3 MR. GOODMAN: Would you read it back,
4 please.
5 (Record repeated as requested).
6 A. Yes, I was aware of the productivity of my unit,
7 yes.
8 Q. And you would agree that those data, that is
9 arrests, citations, and vehicles confiscated and
10 towed are a part of productivity, would you not?
11 A. It's a part, yes.
12 Q. What else goes into productivity in your
13 judgment?
14 A. We have citizen complaints that can be answered
15 in other forms or fashions that don't result in a
16 tangible outcome like a ticket or an arrest or
17 something like that, but it resolves the
18 community concern that's been raised, so that
19 would be an outcome also that, like I said, isn't
20 necessarily tangible, but also would be
21 considered.
22 Q. Do you keep track of the number of such
23 complaints that are resolved without those kinds
24 of formal actions by your department or by your
25 unit?

Page 23

1 A. I believe we did.
2 Q. And how are they characterized, those kind of
3 complaints?
4 A. It would depend how the complaint was received.
5 Q. Give me an example? Suppose a complaint comes in
6 over the telephone?
7 A. It could generate in several different forms. It
8 could have been generated through the MLCC, they
9 could have routed something to Liquor License
10 that routed to us and there may be a resolution
11 that doesn't involve enforcement action, but the
12 complaint was resolved.
13 A complaint could have been received
14 via anonymous phone call. Those complaints would
15 be received and then resolved depending upon what
16 the outcome was.
17 Q. Resolved by way of investigation?
18 A. Correct.
19 Q. And the MLCC, so we have a clear record, stands
20 for what?
21 A. Michigan Liquor Control Commission.
22 Q. There's also a licensing unit within the Detroit
23 Police Department, is there not?
24 A. Liquor License.
25 Q. It's called Liquor License?

Page 24

1 A. Yes, it is.
2 Q. Do you ever receive complaints from that
3 particular entity?
4 A. Yes.
5 Q. So you receive them from the Michigan Liquor
6 Control Commission which is a state agency?
7 A. No, the MLCC sends it to Liquor License who
8 forwards it to us generally speaking.
9 Q. So they operate through the same channel, is that
10 correct?
11 A. I'm not sure what you mean.
12 Q. Withdraw that question, that's okay.
13 Were you aware, let's say, in May of
14 2008 that when a vehicle was towed and
15 confiscated that the person whose vehicle was
16 being towed would have to retrieve it and in
17 doing so would have to pay some money in order to
18 get the vehicle back?
19 MS. GIAQUINTO: Objection, foundation.
20 You can answer.
21 BY MR. GOODMAN:
22 Q. Go ahead.
23 A. There's a nuisance abatement seizure process I
24 was aware of, yes.
25 Q. Which involved the payment of money by the

Page 25

1 automobile owner to whoever has towed the
2 vehicle, is that correct?
3 A. That was between the owner and Wayne County.
4 Q. But you were aware that money was paid?
5 A. Yes.
6 Q. Were you aware of the fact that some of that
7 money came back to the City of Detroit?
8 A. Yes.
9 Q. That is one of the reasons why the numbers of
10 vehicles towed was a factor in determining the
11 productivity of your unit?
12 A. No.
13 Q. Do you have any idea what percentage of the fines
14 and costs that were paid by the vehicle owner
15 were returned to the City of Detroit?
16 MR. ASHFORD: Objection as to form.
17 MS. GIAQUINTO: If you know.
18 A. In regards to a percentage, no. I'm aware that
19 there is some returned to the City.
20 BY MR. GOODMAN:
21 Q. Were you aware of the amount of money that was
22 produced annually as a result of that?
23 A. I believe it would have been contained in an
24 annual report, yes.
25 Q. The annual report of?

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8 (Pages 26 to 29)

Page 26

1 A. Vice Enforcement or Liquor License, one or the
2 other.
3 Q. Well, during the year 2008, for example, do you
4 remember how much money was generated as a result
5 of these actions?
6 A. No, I do not.
7 Q. Now, in addition to the vehicles being towed
8 you're aware that when a citizen receives a
9 citation or when someone receives a citation as a
10 result of the actions of your unit sometimes
11 monies are paid as a result of fines that are
12 imposed, are you not?
13 MR. ASHFORD: Objection to the form,
14 foundation.
15 MS. GIAQUINTO: You can answer.
16 A. Can you repeat that?
17 BY MR. GOODMAN:
18 Q. When someone is given a ticket they often have to
19 pay some money in order to -- as a fine in order
20 to resolve that, isn't that right?
21 MR. ASHFORD: Objection to the form.
22 A. They may via the court proceeding have to pay a
23 fine, yes.
24 BY MR. GOODMAN:
25 Q. Do you know how much money was generated as a

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1 result of the fines that were paid for the
2 citations that were issued by your unit when you
3 were in Vice Enforcement?
4 A. No, I do not.
5 Q. Was that number reported anywhere?
6 A. To the best of my recollection I don't believe
7 that number is captured.
8 Q. When you became the commanding officer of Vice
9 Enforcement did you receive any specific training
10 in order to assume those responsibilities?
11 A. Not that I recall.
12 Q. Did you talk with your predecessor? Were you
13 briefed by your predecessor how she had run this
14 particular unit?
15 A. Yes.
16 Q. How long was that briefing if you can recall?
17 A. I don't recall.
18 Q. Did she write a report, an exit memo or anything
19 like that when she left that unit?
20 A. I don't recall.
21 Q. Did you when you left the unit?
22 A. There's no one currently in my position.
23 Q. I understand, but sometimes you can leave a
24 position, do an exit memo even though you don't
25 know who's going to replace you?

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1 A. No, I did not.
2 Q. When you assumed the responsibilities and became
3 the commanding officer at Vice Enforcement what
4 did you understand the mission of Vice
5 Enforcement to be?
6 Can you please describe it?
7 A. The mission was to address the prostitution,
8 gambling and liquor-related violations within the
9 city.
10 Q. Prostitution, gambling and liquor related, is
11 that right?
12 A. Yes.
13 Q. And by liquor related, you mean what?
14 A. Violations at licensed liquor establishments,
15 instances of violence at licensed liquor
16 establishments would also be considered a
17 violation.
18 Your non-licensed locations.
19 Q. Anything else that you can think of right now?
20 A. Like minor sales, sales to people under 21.
21 Again, that goes back to a liquor violation.
22 Q. Well, that's a lot, right. I understand there
23 may be some other -- a few other things that you
24 can't think of, but those are the principal
25 activities of your unit at that time, is that a

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1 fair statement, with regard to liquor violations?
2 A. I don't think that was the totality of it, but
3 that's the first thing that comes to mind.
4 Q. As you know, this particular case involves a raid
5 that occurred on May 31, 2008, is that correct?
6 A. Correct.
7 Q. You remember the raid?
8 A. Somewhat, yes.
9 Q. You were present?
10 A. Yes.
11 Q. We're going to go into some of that in a while,
12 but what percentage of the activities of the Vice
13 Enforcement Unit involved raids on liquor
14 establishments or liquor-related raids back in
15 the spring of 2008?
16 MR. ASHFORD: Objection to form.
17 MS. GIAQUINTO: You can answer.
18 A. I'd have to review the reports to tell you what
19 percentage was involved.
20 BY MR. GOODMAN:
21 Q. Are you able to give me a general range, that is
22 30 to 40 percent or something like that for that
23 period of time or do you still have to review it
24 in order --
25 A. I wouldn't want to speculate.

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9 (Pages 30 to 33)

Page 30

1 Q. Would you say that a substantial amount of the
2 resources and time of the Vice Enforcement Unit
3 went into those kinds of operations?
4 A. No, I would not.
5 Q. A small amount?
6 A. Again, I would not like to speculate.
7 MS. GIAQUINTO: She says she doesn't
8 want to speculate on that.
9 MR. GOODMAN: She's already answered.
10 MS. GIAQUINTO: Well, I'm just
11 enforcing her answer.
12 MR. GOODMAN: You're enforcing the
13 answer.
14 MR. ASHFORD: I join the objection,
15 asked and answered.
16 BY MR. GOODMAN:
17 Q. Can you describe the process of how a decision
18 was made as to whether a raid would be conducted
19 on an establishment or not, a liquor-related
20 raid?
21 MS. GIAQUINTO: Objection, foundation.
22 You can answer.
23 A. Basically through the investigation process we
24 would determine if probable cause exists. If it
25 did, we would get an anticipatory search warrant

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1 or a search warrant from the judge based on
2 observations of the UC officers, and after the
3 requirements of the said search warrant were met,
4 the raid would be executed.
5 BY MR. GOODMAN:
6 Q. And the investigative process consisted of what?
7 A. It would vary. I mean --
8 Q. Well, give me some examples as to what kind of
9 things --
10 A. Some examples could be observations, undercover
11 work, could be even using a third party
12 confidential informant, it varies.
13 Q. When you say undercover work can you describe the
14 undercover operation which could lead to a raid?
15 A. Can we talk about a specific raid as opposed to
16 just in general?
17 Q. Sure, let's talk about the raid that happens on
18 Rosa Parks on May 31, 2008 where you were
19 present.
20 What was the investigatory process that
21 led to that particular raid?
22 A. The location was observed from the outside in
23 March and a subject was observed going in with
24 alcohol which is a -- and then the marijuana was
25 smelled as well as lots of people entering the

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1 location after hours.
2 So subsequent to that an undercover
3 operation was performed where myself and Sgt.
4 Buglo entered the location in April.
5 Q. So March was that a part of the undercover
6 operation, the observations that you made?
7 A. You're still undercover because you're not
8 sitting there in a police car in full uniform,
9 but in terms of actually engaging, it's more of
10 an observational undercover.
11 Q. Observational undercover and then the April
12 version of the undercover operation was what
13 might be called proactive, went into the
14 establishment itself, is that right?
15 A. I don't know about proactive, but we went into
16 the establishment to determine if there were
17 violations of the law occurring inside.
18 Q. And you did that, is that correct? You made that
19 determination, is that right?
20 A. We went in and we made the determination that
21 there were illegal activities inside, yes.
22 Q. Were there any further undercover operations
23 after the April operation?
24 A. Not that I recall, no.
25 Q. Before the raid on May 31, 2008 did you have any

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1 -- did you participate in an undercover operation
2 immediately before?
3 A. I'm not sure I understand.
4 MR. ASHFORD: Can you read the --
5 MR. GOODMAN: I'll rephrase it.
6 BY MR. GOODMAN:
7 Q. Weren't you yourself dressed in plainclothes on
8 that particular night?
9 MS. GIAQUINTO: Which night?
10 BY MR. GOODMAN:
11 Q. May 31, 2008?
12 A. Now I understand the question. Yes, I was.
13 Q. So you engaged in an undercover operation before
14 the raid itself occurred on that very night, is
15 that a fair statement?
16 A. Yes.
17 Q. So there's a total of three undercover
18 operations, is that right, that occurred prior to
19 the raid?
20 A. Yes.
21 Q. Did you have a procedure or policy at that time
22 that required three undercover operations before
23 a raid could be called in?
24 A. There was two observations, that was a
25 requirement, yes.

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10 (Pages 34 to 37)

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1 Q. There was a requirement of two observations, is
2 that right?
3 A. Yes.
4 Q. So in this case the two observations would be one
5 in April and the last one in May?
6 A. One in March and then the one in April would have
7 been the two observations that would have been
8 the basis and the foundation for the search
9 warrant.
10 Q. That created the basis for the search warrant,
11 but before the raid itself was it necessary for
12 you and Sgt. Buglo to go into the premises in
13 order to make additional undercover operations or
14 did you just do that as part of good law
15 enforcement?
16 A. We did it to ensure that illegal activity was
17 going on.
18 Q. And, again, was there a requirement that you do
19 that before a raid is called in, that you make
20 that kind of verification?
21 A. The search warrant was anticipatory and did
22 require certain observations.
23 Q. Before the raid being initiated, is that right?
24 A. Yes.
25 DEPOSITION EXHIBIT 1

1 you see that?
2 A. Yes.
3 Q. So did that shift on that particular occasion go
4 over onto March 29 as well?
5 A. According to the activity log it did.
6 Q. Is there anything in this particular activity log
7 that notes your observations that you referred to
8 earlier of activity at 5141 Rosa Parks Boulevard?
9 A. No, but I don't recall the specific date either.
10 I said it was in March.
11 DEPOSITION EXHIBIT 2
12 PCR dated 3-29-08
13 WAS MARKED BY THE REPORTER
14 FOR IDENTIFICATION.
15 Q. Can you identify Exhibit 2, please?
16 A. It's a PCR prepared by Sgt. Buglo.
17 Q. And did you ask Sgt. Buglo to prepare this PCR?
18 A. I don't recall.
19 Q. Have you seen this PCR before?
20 A. Yes, I have.
21 Q. When did you last see it?
22 A. I reviewed it briefly prior to this deposition.
23 Q. And does this refresh your recollection as to
24 what occurred on that particular early morning or
25 late evening?

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1 activity log, 3-28-08
2 WAS MARKED BY THE REPORTER
3 FOR IDENTIFICATION.
4 Q. Inspector, can you identify this exhibit?
5 A. It appears to be an activity log.
6 Q. Whose activity log is it?
7 A. It appears to be for the Vice crew or certain
8 members of the Vice crew.
9 Q. Including yourself?
10 A. Yes.
11 Q. So was this your activity log for that particular
12 date?
13 A. I did not sign it.
14 Q. Did you have another activity log for that date?
15 A. I don't know.
16 Q. Who did sign that particular activity log?
17 A. It appears Officer McClendon, Officer Johnson and
18 Sgt. Buglo.
19 Q. What date would this be?
20 A. March 28, '08.
21 Q. What shift was it?
22 A. Afternoons.
23 Q. So that shift started at what time, 3?
24 A. 2:45 PM.
25 Q. And I see it says 3 AM as the time checked in, do

1 A. Yes.
2 Q. Is there anything that's recorded in this PCR
3 that you do not recall as having happened on that
4 particular night?
5 A. I'm sorry, I don't understand.
6 Q. In other words, does Sgt. Buglo report anything
7 in this PCR that you do not remember as you sit
8 here having happened?
9 MS. GIAQUINTO: Objection, foundation.
10 You can answer.
11 A. Anything in here that I don't agree with?
12 BY MR. GOODMAN:
13 Q. Anything that you -- yeah, anything that he says
14 that you don't remember, that's all?
15 A. No, I remember this activity.
16 Q. Is there anything that you remember that's not
17 reported in there?
18 A. No.
19 Q. Now, you indicated that you saw somebody bring
20 liquor into the establishment, is that correct?
21 A. Correct.
22 Q. What is it that you specifically recall having
23 seen at that particular --
24 (An off-the-record discussion was
25 held.)

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11 (Pages 38 to 41)

Page 38

1 Q. Do you remember the question?
 2 A. No.
 3 Q. My question is, can you give me a specific
 4 description based on your memory at that time of
 5 what you saw this woman doing and carrying in,
 6 what activities are engaged in?
 7 A. I don't believe I was a woman, I believe it was a
 8 male who exited a vehicle who was putting what
 9 appeared to be a liquor bottle and concealing it
 10 into his pants.
 11 Q. And what conclusions did you draw from that
 12 particular action on his part?
 13 A. It was just information, there was no conclusions
 14 based on that one fact alone.
 15 Q. Did that suggest there was illegal activity going
 16 on in the establishment that he was entering?
 17 A. It gave rise to further investigation.
 18 Q. Did it suggest to you that possibly the people
 19 inside the establishment were not permitting open
 20 alcohol to be brought in and out of the
 21 establishment?
 22 A. That on its face did not suggest anything. As I
 23 said, it led to further investigation or by
 24 itself did not.
 25 Q. Do you remember how cold or how warm it was that

Page 39

1 particular night?
 2 A. No, I do not.
 3 Q. Do you remember whether your windows were up or
 4 down?
 5 A. I imagine they were down because we could hear.
 6 Q. What could you hear?
 7 A. Music, people outside.
 8 Q. Talking?
 9 A. That's fair.
 10 Q. Could you hear any of the conversations?
 11 A. Not specifically that I recall, no.
 12 Q. Was there any yelling going on?
 13 A. I don't recall.
 14 Q. Screaming?
 15 A. Not that I recall.
 16 Q. Did you smell anything?
 17 A. Marijuana, the smell of what appeared to be
 18 marijuana, yes.
 19 Q. Now, Rosa Parks Boulevard runs --
 20 A. North/south.
 21 Q. North and south, and your vehicle was parked
 22 where in relation to this particular location, if
 23 you can recall?
 24 A. I believe we were on Rosa Parks.
 25 Q. Were you across the street or were you on the

Page 40

1 same side of the street as the building?
 2 A. I'm sorry, what?
 3 Q. Was your vehicle across the street from this
 4 building or were you on the same side, if you can
 5 recall?
 6 A. I believe we were across the street.
 7 Q. You pulled up across the street and stopped the
 8 car, is that correct?
 9 A. I'm sure we stopped the car, but --
 10 Q. Who was driving?
 11 A. I believe Sgt. Buglo was, but --
 12 Q. Turn the ignition off?
 13 A. I don't recall.
 14 Q. How long were you there?
 15 A. I don't recall.
 16 Q. And you were both in plainclothes, is that
 17 correct?
 18 A. To the best of my recollection, yes.
 19 Q. Do you remember how you were dressed?
 20 A. No.
 21 Q. Did you have a cap on?
 22 A. I don't know.
 23 Q. So you smelled marijuana, you saw somebody bring
 24 what looked -- appeared to be a bottle that might
 25 contain alcohol into the establishment after

Page 41

1 having concealed it.
 2 Anything else of note that you can
 3 recall at this time?
 4 A. Just the amount of cars and amount of people
 5 entering the location.
 6 Q. How many cars and how many people?
 7 A. I don't know, there was at least 10, to 20 that
 8 entered while we were there. There were numerous
 9 cars. I wouldn't dispute Sgt. Buglo's assertion.
 10 I don't know if he put the number in here, but
 11 there was a lot of cars.
 12 50 to 60 is what Sgt. Buglo's PCR says,
 13 I wouldn't dispute that.
 14 Q. Why did you happen to stop by this place in the
 15 first place?
 16 A. We had a complaint.
 17 Q. Can you say who the complaint was from?
 18 A. I don't recall.
 19 Q. Did you log the complaint or note it anywhere?
 20 A. I don't recall.
 21 Q. Who did the complaint come from?
 22 A. I don't recall.
 23 Q. A neighbor or another law enforcement officer or
 24 do you know?
 25 A. I don't recall.

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12 (Pages 42 to 45)

Page 42

1 Q. How do you know that you were responding to a
2 complaint? What's the basis for your -- for that
3 statement?
4 A. General recollection of how we came to look at
5 that location.
6 Q. Was it one complaint or more than one complaint?
7 A. I don't know.
8 Q. Sgt. Buglo also reports seeing a white female
9 outside the entrance drinking from a beer bottle.
10 Do you recall observing that as well?
11 A. I do not specifically recall that.
12 Q. Is there a reason why the activity that's
13 recorded in the PCR which is Exhibit 2 is not
14 noted on Exhibit 1 which was the activity log?
15 A. Not that I'm aware of, but again, I didn't sign
16 the activity log.
17 Q. The activity log was checked by Sgt. Turner?
18 A. That appears to be his signature.
19 Q. And Sgt. Turner was -- what was the chain of
20 command within that particular unit? Was he
21 directly under you?
22 A. Both him and Sgt. Buglo were directly under me,
23 yes.
24 Q. It's my understanding that at some time -- at
25 some point in time Sgt. Turner was suspended from

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1 the Detroit Police Department.
2 Do you recall that?
3 A. Yes.
4 Q. Were you the commander of the -- commanding
5 officer of that unit when he was suspended?
6 A. Yes.
7 Q. Was his suspension as a result of any action that
8 you took, disciplinary action that you took?
9 A. It was a result of information that I reported.
10 Q. That you reported?
11 A. Yes.
12 MS. GIAQUINTO: Objection, relevance.
13 Can I have a continuing objection to this line of
14 questioning?
15 MR. GOODMAN: You may.
16 MS. GIAQUINTO: Thank you.
17 BY MR. GOODMAN:
18 Q. Can you tell us what the information was that you
19 reported, inspector?
20 A. I notified Internal Affairs that I had received
21 information regarding the falsification of arrest
22 locations, I believe it was on both -- arrest
23 locations.
24 Q. And Sgt. Turner was involved in that, is that
25 right?

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1 A. Sgt. Turner was involved in that, yes.
2 Q. Who else in your unit was involved, if you can
3 recall?
4 A. I know there were other people associated with
5 it. I believe Officer Johnson, Officer Gray,
6 Officer Williams, Officer Passmore, I believe
7 Officer Smith as well.
8 Q. Was Officer Williams one of the officers working
9 under your command?
10 A. At the time of the Internal Affairs report?
11 Q. Yes.
12 A. I believe so, yes.
13 Q. What's his first name?
14 A. Her first name is Paytra.
15 Q. And after you filed that information with
16 Internal Affairs what was the result, do you
17 know?
18 A. The officers were suspended as well as the
19 sergeant.
20 Q. For how long?
21 A. I'm not sure. I don't think the sergeant ever
22 returned to duty -- no, actually he did,
23 disregard that, he did. I'm not sure how long
24 they were suspended.
25 Q. Now, going back to your investigation of 5141

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1 Rosa Parks after you made these initial
2 observations that were recorded in the
3 preliminary complaint report you decided that
4 additional investigation was warranted, is that
5 correct?
6 A. Yes.
7 Q. And as a result of that what actions were taken?
8 A. We had a subsequent UC operation in April.
9 Q. "UC" stands for undercover?
10 A. Undercover.
11 (A recess was taken)
12 DEPOSITION EXHIBIT 3
13 PCR dated 4-26-08
14 WAS MARKED BY THE REPORTER
15 FOR IDENTIFICATION.
16 Q. Have you had a chance to review Exhibit 3?
17 A. I don't believe it was sitting here when I
18 departed.
19 Q. Take a moment here and take a look.
20 A. Okay.
21 Q. So can you identify this exhibit, please?
22 A. It appears to be a PCR, preliminary complaint
23 record, prepared by Sgt. Daniel Buglo.
24 Q. And it reports an undercover activity in which
25 you and he engaged on April 26, 2008, is that

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13 (Pages 46 to 49)

Page 46

1 correct?
 2 A. Yes.
 3 Q. Does it refresh your recollection as to the
 4 events of that particular evening?
 5 A. Yes.
 6 Q. And is what is reported in here -- are the events
 7 and actions that are reported in here accurate in
 8 your judgment at this time?
 9 A. Yes.
 10 Q. Is there anything in here that happened that you
 11 do not -- that's reported in here that you do not
 12 recall?
 13 A. No.
 14 Q. Is there anything that you can recall that's not
 15 reported in here?
 16 A. Other than the beer wasn't very good and I poured
 17 it out.
 18 Q. We'll save that for the restaurant review in the
 19 Metro Times.
 20 A. Well, you asked the question.
 21 Q. I did, and that's a very good answer. I think
 22 actually --
 23 MR. GOODMAN: Off the record a moment.
 24 (An off-the-record discussion was
 25 held).

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1 Q. Do you recall how you were dressed this
 2 particular evening?
 3 A. No.
 4 Q. But you were undercover, is that right?
 5 A. Yes.
 6 Q. Unmarked vehicle, correct?
 7 A. Undercover vehicle being different than an
 8 unmarked vehicle.
 9 Q. Tell me what the difference is?
 10 A. Well, generally the department has three
 11 different classes of vehicles -- well, actually
 12 more than that, but we'll start with they have
 13 the marked which is with the lights and siren,
 14 the ones you'll see, the white ones with the
 15 police emblem on the side.
 16 You have a semi-marked which is your
 17 black -- normally your Impalas or your Crown Vics
 18 that have lights inside, lights on the front,
 19 whatnot.
 20 You also have an unmarked car that may
 21 be like a general assignment vehicle that doesn't
 22 have any obvious police logos or anything, and
 23 then you had an undercover which has a suppressed
 24 plate which has -- there's no "X" plate on and
 25 it's suppressed, it's similar to any other car on

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1 the road, it's intended to fit in.
 2 Q. And you were in an undercover vehicle, is that
 3 correct, on this evening?
 4 A. Yes.
 5 Q. And do you recall what time you arrived at this
 6 location?
 7 A. According to Sgt. Buglo's PCR it says 1 o'clock.
 8 Q. And this was 5141 Rosa Parks, correct?
 9 A. Yes.
 10 Q. The same location that you had observed a month
 11 earlier that you've just described here at your
 12 deposition, is that right?
 13 A. Yes.
 14 Q. And do you know what this institution or this
 15 location was known as or called?
 16 A. CAID.
 17 Q. And do you know what CAID stands for?
 18 A. It believe it's Contemporary Arts Institute of
 19 Detroit.
 20 Q. And you went there, according to Sgt. Buglo's
 21 report, to investigate a complaint of illegal
 22 blind pig activity that occurs on the last Friday
 23 of each month, is that correct?
 24 A. That's what it says, yes.
 25 Q. Do you recall that?

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1 A. Yes.
 2 Q. Was that the same complaint that you described
 3 earlier when you were discussing your
 4 observations that occurred in March?
 5 MS. GIAQUINTO: Objection,
 6 mischaracterization of her testimony. I don't
 7 believe she could recall what the initial
 8 complaint was, but if you can answer --
 9 A. That's correct. I didn't recall what the
 10 specific complaint was. I know there were
 11 complaints directed at that location.
 12 BY MR. GOODMAN:
 13 Q. What I'm asking here is, does the PCR in this
 14 instance, Sgt. Buglo's PCR when it refers to a
 15 complaint refer to a complaint other than the one
 16 that you've already discussed in connection with
 17 your March observation of CAID?
 18 MS. GIAQUINTO: I don't understand.
 19 A. I still don't understand.
 20 BY MR. GOODMAN:
 21 Q. In other words, you said in March you went out
 22 there to observe this location based upon a
 23 complaint that you received.
 24 Do you recall that testimony?
 25 A. Yes.

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14 (Pages 50 to 53)

Page 50

1 Q. My question is, did you get any additional
2 complaints between March and April that caused
3 you to go in there in April?
4 A. I don't recall.
5 Q. So this may be the same complaint as before or a
6 new complaint, is that correct?
7 A. We could have had more than one complaint, yes.
8 Q. You don't know?
9 A. Not without reviewing documents, no.
10 Q. What documents would you review in order to
11 determine that?
12 A. I'd have to try to see if we had a complaint
13 book.
14 Q. You have a complaint book?
15 A. Yes.
16 Q. For this particular unit, Vice Enforcement?
17 A. Yes.
18 Q. Would the records from 2008 still be available or
19 accessible?
20 A. I don't know.
21 Q. Who maintains the records for the complaint --
22 who maintains the complaint books and those
23 records from the Vice Enforcement, if you know?
24 A. I don't know.
25 Q. Now, it talks about illegal "blind pig" activity.

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1 Do you see that reference in the PCR?
2 A. Yes.
3 Q. What in your judgment is meant when there's -- by
4 the phrase "blind pig activity"?
5 A. Illegal sale or consumption of alcohol without a
6 license.
7 Q. Without a license only?
8 A. One could be underage is also a common
9 denominator of a blind pig.
10 Q. And sales after 2 AM in the morning, is that also
11 a blind pig?
12 A. That's also a blind pig as well.
13 Q. So any of those three possible forms of illegal
14 activity with regard to the sales of liquor
15 constitute blind pig activity in your
16 understanding, is that correct?
17 A. Under 21 wouldn't by itself, but the other two,
18 whether they don't have a liquor license or
19 whether they're selling after hours would.
20 Q. Now, the PCR goes on to describe the person to
21 whom you paid a \$5 cover charge, do you see that?
22 A. Yes.
23 Q. Do you remember that gentleman yourself?
24 A. Vaguely.
25 Q. Do you remember him by this description, that is

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1 bald, chin goatee?
2 A. That appears accurate.
3 Q. 30 to 35. When you say it appears accurate, it
4 appears accurate and in accordance with your
5 memory of this gentleman?
6 A. It's consistent with my vague recollection, yes.
7 Q. Then you paid for a membership in CAID, am I
8 right about that?
9 A. Yes.
10 Q. And that membership was for one month, correct?
11 A. Yes.
12 Q. Was there any description of what the privileges
13 of membership entitled?
14 A. Not that I recall.
15 Q. You then bought some beer, am I right about that?
16 A. Yes.
17 Q. Do you remember the bartender who is described
18 here by Sgt. Bugio?
19 A. Not as detailed as this described here, no.
20 Q. What do you recall about her at the time?
21 A. The white female, 20-25, shoulder length blond
22 hair. I don't remember the tattoo.
23 Q. Do you remember the live band?
24 A. Yes.
25 Q. As far as the music activity everything that's

Page 53

1 described in here is what you observed as well, a
2 live band was playing and a deejay booth was
3 active, is that correct?
4 A. I have trouble basing my statement on what he
5 wrote down. Yes, I observed a deejay booth and
6 yes, I observed the live band.
7 Q. Was there music going from both sources at the
8 same time?
9 A. Yes.
10 Q. Were people dancing if you can recall?
11 A. I believe so.
12 Q. How many?
13 A. A handful.
14 Q. Were they dancing to the deejay or to the live
15 band?
16 A. I don't recall.
17 Q. You then entered -- both of you entered it says
18 an outside fenced area, is that correct?
19 A. Yes.
20 Q. And is that outside fenced area like a yard of
21 some sort?
22 A. Yes.
23 Q. Was it accessible from the street if you could
24 tell?
25 A. It appeared to be secured from the street.

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15 (Pages 54 to 57)

Page 54

1 Q. So the only way to get to it was through the CAID
2 facility itself, is that right?
3 A. I wouldn't say it's the only way. It's the most
4 practical way without jumping the fence or
5 climbing said fence, yes.
6 Q. The only way to do so without jumping a fence?
7 A. That it was a pretty tall fence.
8 Q. But I'm right about that, the only way you can
9 get in without jumping the fence or --
10 A. From what I observed, yes.
11 Q. You observed people drinking, is that correct?
12 A. Yes.
13 Q. And you observed several people smoking what
14 appeared to be marijuana, this is according to
15 Sgt. Buglo, by sight and smell, is that also
16 correct?
17 A. Yes.
18 Q. You observed someone named Dan roll three
19 marijuana cigarettes which were passed around to
20 people who were in the area, am I right about
21 that?
22 A. I don't remember his name. I did observe a white
23 male roll several marijuana cigarettes, yes, and
24 pass them around the picnic table, yes.
25 Q. Did they pass any to you or Sgt. Buglo?

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1 A. No, it was time to get up and take a stroll at
2 that point.
3 (An off-the-record discussion was
4 held).
5 Q. You also observed after hours sales according to
6 this report, is that also right?
7 A. Yes.
8 Q. And then you left?
9 A. Yes.
10 Q. How soon after you left was this PCR written, if
11 you know?
12 A. You'd have to ask Sgt. Buglo.
13 Q. Did he show you the PCR after he wrote it?
14 A. I don't recall if I -- I reviewed it at some
15 point, but I don't recall specifically when that
16 was.
17 Q. And you reviewed it before coming in here to
18 testify today at your deposition, am I right?
19 A. Yes.
20 Q. I'll going to show you a document in a minute in
21 connection with what you've already described as
22 your undercover activities immediately leading up
23 to the raid, but can you -- out of -- based on
24 your memory of that incident, I'm now talking
25 about May 31st -- tell me what you did and what

Page 56

1 you saw at the CAID leading up to and immediately
2 prior to the police coming in by way of a raid?
3 A. Well, when we got there there was a lot of cars
4 and people, there was some people inside.
5 Waited, paid to enter, went to the bar that was
6 closest to the front door and purchased a drink,
7 talked for a little bit.
8 After we purchased a drink talked for a
9 little bit, looked around, not much though and
10 fairly shortly thereafter the raid was called.
11 Q. What time was the raid called, if you can recall?
12 A. I want to say about 2:30. If I could look at the
13 --
14 Q. I'll show you in just a minute, yeah. Sometime
15 between 2 and 2:30, would that be a fair
16 statement?
17 A. I believe I said it was approximately 2:30.
18 Q. And -- well, here.
19 DEPOSITION EXHIBIT 4
20 DPD CRISNET report dated 5-31-08
21 WAS MARKED BY THE REPORTER
22 FOR IDENTIFICATION.
23 Q. Can you identify what's been marked as Exhibit 4?
24 A. It's a CRISNET report entered by Sgt. Buglo.
25 Q. If you turn to Page 7 of that report you'll see a

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1 description of what occurred.
2 A. Okay.
3 Q. And according to that descriptive paragraph or
4 narrative on Page 7 you were charged \$5 cover
5 charge, a \$3 membership fee, observed people
6 drinking, purchased beer, saw after hours
7 purchases of alcohol and then called for the
8 raid, is that correct?
9 A. Yes.
10 Q. All right, so in all three observations the
11 actions which you saw were sales of alcohol in
12 this establishment, is that right?
13 A. That's not the only thing.
14 Q. ~~Not the only one, but that was one of them, am I~~
15 ~~right about that?~~
16 A. What was your --
17 Q. One of the illegal activities that you saw were
18 sales of alcohol in the CAID establishment,
19 right?
20 MS. GIAQUINTO: I'm going to object to
21 the form of the question; go ahead.
22 A. Yes, without a license and after hours.
23 BY MR. GOODMAN:
24 Q. How did you know there was no license?
25 A. I checked.

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16 (Pages 58 to 61)

Page 58

1 Q. Who did you check with?
 2 A. MLCC.
 3 Q. And when did you check?
 4 A. Right before the raid and prior to the UC
 5 activity.
 6 Q. You mean prior to March, to the March observation
 7 of the CAID?
 8 A. After the March observation we would have checked
 9 to see if there was a license, yes.
 10 Q. So you checked with them twice?
 11 A. I believe so.
 12 Q. And you determined there was no license, is that
 13 right?
 14 A. Yes.
 15 Q. Therefore any sales of alcohol on the premises in
 16 your judgment as a law enforcement officer at the
 17 time were illegal, am I right?
 18 A. Yes.
 19 Q. You also observed sales after 2 AM in the
 20 morning, is that right?
 21 A. Yes.
 22 Q. That was another form of illegal activity that
 23 you observed, is that correct?
 24 A. If you were a licensed liquor establishment you
 25 can't sell after 2 AM, yes, so it's an unlicensed

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1 liquor establishment so the time isn't -- yes,
 2 after 2 AM in a licensed liquor establishment you
 3 cannot sell.
 4 This is not a licensed liquor
 5 establishment.
 6 Q. So it makes no difference as to what time it was?
 7 A. They can't sell.
 8 Q. You also observed marijuana being used and
 9 ingested, is that correct?
 10 A. On the April, yes and on March we could smell it.
 11 Q. Did you observe any marijuana in May?
 12 A. I think there was a smell, but I don't believe I
 13 observed any, no.
 14 Q. When you say you think there was a smell, are you
 15 -- do you recall that specifically or are you
 16 just guessing?
 17 A. I'm not guessing, I recall it.
 18 Q. And you recall at one point having seen somebody
 19 bring a container of alcohol into the
 20 establishment and that would have been March, am
 21 I right about that?
 22 A. In March I observed someone take what I believe
 23 to be alcohol into the establishment, yes.
 24 Q. And that would have been illegal activity also,
 25 right?

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1 A. There are rules and laws against BYOB, bring your
 2 own beer or alcohol, yes.
 3 Q. Other than those actions did you see any illegal
 4 activities by anyone in the CAID at any time or
 5 outside the CAID?
 6 A. Other than the failure to have a liquor license,
 7 the sale after 2 AM and the prevalent use of
 8 marijuana?
 9 Q. Yes?
 10 A. And the bringing of alcohol into the location?
 11 Q. Right.
 12 A. I think that covers it.
 13 Q. Did you see any weapons?
 14 A. No.
 15 Q. Did you see any violence?
 16 A. No.
 17 Q. Was there any form of briefing of the officers
 18 who would be involved in the raid before the raid
 19 took place?
 20 A. Yes.
 21 Q. Where was that?
 22 A. I don't recall.
 23 MR. ASHFORD: I'm going to object to
 24 that to the extent it calls for confidential law
 25 enforcement information.

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1 To the extent it does not, the witness
 2 can answer. My objection is on behalf of the
 3 City of Detroit.
 4 MS. GIAQUINTO: You can answer.
 5 BY MR. GOODMAN:
 6 Q. Do you understand the objection?
 7 A. Yeah. I don't recall where we held the briefing.
 8 Q. Was it -- how long was the briefing? How long
 9 did it take?
 10 A. I don't recall.
 11 Q. How long before the actual raid did the briefing
 12 occur?
 13 A. I don't specifically recall.
 14 Q. Who was present at the briefing?
 15 A. It would have been the entry team, the support
 16 teams, myself and other members of Vice
 17 Enforcement.
 18 Q. Approximately how many law officers were present?
 19 A. I don't recall the specific number.
 20 Q. Can you give me a range? Was it a couple of
 21 dozen or more or less?
 22 A. I don't want to speculate.
 23 Q. If I were to say that it appeared to me, having
 24 viewed some videotape of this raid, that I
 25 counted over two dozen law officers, would that

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17 (Pages 62 to 65)

Page 62

1 in any way surprise you?

2 MR. ASHFORD: Objection to the form.

3 MS. GIAQUINTO: You can answer.

4 A. Like I said, there were members of Vice

5 Enforcement, the supporting team and entry team.

6 The total number, without reviewing something

7 that's not in front of me here I can't give you

8 the total number.

9 BY MR. GOODMAN:

10 Q. And I wasn't asking you to, but I'm saying --

11 well, withdraw the question.

12 Let me put it this way. If I were to

13 say that there were more than two dozen law

14 enforcement officers there, would you be able to

15 disagree with me before you looked at these

16 records?

17 A. I wouldn't want to speculate without looking at

18 the records.

19 Q. So any disagreement with that number would be

20 speculation on your part, is that right?

21 A. Yes.

22 Q. When you said that you had smelled marijuana

23 there on May 31 I want to -- back up for just a

24 moment, withdraw that question.

25 When you went in there as an undercover

Page 63

1 -- part of the undercover operation on May 31

2 before the raid you went into the premises of the

3 CAID itself, is that correct?

4 A. 5141 Rosa Parks, yes.

5 Q. You went into the building?

6 A. Yes.

7 Q. Was there music?

8 A. I believe so.

9 Q. Was there a deejay?

10 A. I don't know.

11 Q. Was there a band?

12 A. I don't recall.

13 Q. Was there dancing?

14 A. Not that I observed.

15 Q. And did you go from the inside of that location

16 outside into the patio that we talked about

17 earlier?

18 A. Not prior to the execution of the search warrant,

19 no.

20 Q. When you smelled the marijuana did you smell it

21 inside the establishment or after the execution

22 of the warrant somewhere else?

23 A. Inside.

24 Q. Do you know where inside you were smelling it?

25 A. I was at the bar by the front door.

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1 Q. That's where you smelled the marijuana, is that

2 right?

3 A. Yes.

4 Q. Now, going back to the briefing, what happened

5 during the briefing? Describe the briefing for

6 me.

7 MS. GIAQUINTO: You can describe it.

8 A. Essentially officers are given information about

9 where the location -- where the entry points are,

10 what the location looks like. They're given a

11 look at the undercover officers so they have an

12 idea who we are.

13 The entry team -- the raid entry is

14 determined by the entry team, not by the briefing

15 that I would have conducted. A hospital would be

16 selected, an evacuation unit should we need it

17 would have been identified, and assignments would

18 have been prepared.

19 BY MR. GOODMAN:

20 Q. Now, you said something about the entry team,

21 they determines their own entry?

22 A. Yes.

23 Q. What do you mean by that?

24 A. Meaning I'm not the commanding officer of either

25 SRT or Narcotics, which would be the typical

Page 65

1 entry teams, and they would determine the entry.

2 Q. When I say "the entry", they determine where they

3 enter?

4 A. They determine everything about the entry.

5 Q. Whether the weapons would be drawn when they

6 enter?

7 A. They determine everything about the entry.

8 Q. Do you talk to the commander of the SRT or the

9 Narcotics Unit, whoever is doing the entry?

10 A. The briefing was there, but they make their

11 assignments based on their personnel and their

12 familiarity with their personnel.

13 Q. Did you advise the officers who were present at

14 the briefing that you had not observed any

15 weapons and you had not observed any violence

16 while you were there on two prior occasions?

17 A. That's part of a normal briefing.

18 Q. How long were you present at 5141 Rosa Parks

19 before you called in the raid?

20 MS. GIAQUINTO: Objection, foundation.

21 We don't know that she called the raid, maybe

22 Buglo did.

23 A. Probably between 5 and 15 minutes.

24 BY MR. GOODMAN:

25 Q. You called in the raid, didn't you?

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18 (Pages 66 to 69)

Page 66

1 A. I don't recall.
 2 Q. So either you or Buglo, you don't know which of
 3 you?
 4 A. Correct, would have been one of us.
 5 Q. What did it consist of, calling in the paid?
 6 MR. ASHFORD: I'm going to object to
 7 that, confidential law enforcement information
 8 and instruct -- on behalf of the City of Detroit
 9 instruct the City employee not to respond.
 10 BY MR. GOODMAN:
 11 Q. Let me ask you this. Do you make a telephone
 12 call and say, "Come on in"?
 13 MR. ASHFORD: Same objection. Instruct
 14 the witness not to answer that.
 15 BY MR. GOODMAN:
 16 Q. When you called in the raid or when Sgt. Buglo
 17 called in the raid did he advise the -- withdraw
 18 that question.
 19 When you call in the raid do you call
 20 the entry team, is that the way in which the raid
 21 is initiated, inspector?
 22 A. I was waiting to see if there was an observation.
 23 Q. I know. I was trying to cut short the process.
 24 A. It would vary from -- it could vary from case to
 25 case, but in this scenario I don't recall who was

Page 67

1 called.
 2 Q. Did you advise them that you did not observe
 3 weapons and you did not observe any violence
 4 inside?
 5 A. That would have been covered at the briefing.
 6 Q. But the information that would have been new is
 7 what was going on when you were there as an
 8 undercover immediately prior?
 9 A. That's assuming new information was provided.
 10 Q. That's my question.
 11 A. Was new information provided?
 12 Q. Right.
 13 A. I don't recall.
 14 Q. If you had observed weapons, if you had observed
 15 violence, that would have been something that you
 16 would have communicated when calling in the raid,
 17 is that right?
 18 A. If the opportunity presented itself, yes, that
 19 would be information that would be shared.
 20 Q. Now, at the time you called in the raid you were
 21 well aware, were you not, that everybody --
 22 MS. GIAQUINTO: Objection to the
 23 mischaracterization of her testimony. She said
 24 she didn't remember --
 25 MR. GOODMAN: I'll withdraw it, let me

Page 68

1 rephrase the question.
 2 BY MR. GOODMAN:
 3 Q. At the time the raid was called in the decision
 4 to call in the raid was your decision as the
 5 commanding officer of the unit, was it not?
 6 A. In this instance it would have been my decision,
 7 yes.
 8 Q. And at that time that that decision was made you
 9 were well aware, were you not, that everybody who
 10 was in the establishment would receive a citation
 11 for loitering or for engaging in an illegal
 12 occupation, is that right?
 13 MS. GIAQUINTO: Objection, foundation.
 14 You can answer if you can.
 15 A. I was aware.
 16 BY MR. GOODMAN:
 17 Q. And that would be regardless of whether they were
 18 drinking, is that right?
 19 A. Not necessarily.
 20 Q. You mean there might be a situation when someone
 21 would not be given a citation if they were not
 22 drinking?
 23 A. I'm sure there were possibilities. I'm not sure
 24 what happened here in terms of -- my experience
 25 and my observations were that the people present

Page 69

1 were engaged in that activity.
 2 Q. It was your observation that everybody who was in
 3 the CAID was drinking, is that right?
 4 A. Not everybody. The people that I observed were.
 5 Q. Were there people you did not observe?
 6 A. I said I didn't go outside.
 7 Q. Everybody who was in the CAID at the time that
 8 you were inside the location in the building
 9 itself, was drinking, is that your --
 10 A. The people that I observed had red cups or other
 11 types of bottles or cans or whatever that would
 12 be consistent with the consumption of alcohol,
 13 the people that I observed.
 14 Q. How many --
 15 A. But I don't know if I saw the bartender drinking.
 16 Q. How many people did you observe?
 17 A. The people in the front room and then the -- I
 18 don't know what it's called. There's a rather
 19 large -- I don't even know how to describe it --
 20 probably 30 to 45.
 21 Q. Thirty to 45 people --
 22 A. Roughly.
 23 Q. -- you observed drinking, is that right?
 24 A. Yeah.
 25 Q. Do you know how many people received citations

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19 (Pages 70 to 73)

Page 70

1 that night?
 2 A. Off the top of my head, no.
 3 Q. If I were to tell you there were over 100, would
 4 you have any reason to disagree with that?
 5 A. No.
 6 Q. So of the more than 50 people who you did not
 7 observe was there -- can you as the commanding
 8 officer of the Vice Enforcement Unit at this time
 9 indicate to me why those people were given
 10 citations?
 11 A. For loitering in a place of illegal occupation.
 12 Q. So it made no difference one way or the other
 13 whether they were actually drinking, is that
 14 correct?
 15 A. Correct.
 16 Q. So the fact that someone was or was not drinking
 17 had nothing to do with the reason they were given
 18 a citation on that night, is that right?
 19 A. Correct.
 20 Q. And you say -- I think you testified earlier not
 21 everybody has to be given a citation, is that
 22 right?
 23 A. There are instances in enforcement actions that
 24 sometimes citations are not issued.
 25 Q. What kind of instances, can you give me an

Page 71

1 example?
 2 A. It could be a minor that we returned to a parent,
 3 it could be -- there's several options.
 4 Q. Anything else?
 5 A. That's one.
 6 Q. Anything else?
 7 A. Not off the top of my head.
 8 Q. So in addition to knowing that everybody who was
 9 in the establishment at that time unless they met
 10 some unusual circumstance or situation would be
 11 given a citation, you knew that the people who
 12 were given citations would be detained for a long
 13 period of time, is that correct?
 14 A. They would be processed.
 15 Q. How long would the processing take?
 16 A. Depends on the establishment.
 17 Q. In your experience how many raids such as this
 18 had you engaged in before May 31, 2008?
 19 A. I don't specifically recall.
 20 Q. Dozens?
 21 A. No.
 22 Q. Less than a dozen?
 23 A. I don't specifically recall.
 24 Q. How many raids -- all right. What was the
 25 variation in time that it took to process a group

Page 72

1 as large as the one on this particular night?
 2 A. I'm sorry?
 3 Q. What range of times were involved in processing a
 4 group as large as the group that was involved at
 5 the CAID on May 31, 2008?
 6 A. How long did it take to process?
 7 Q. In general, yeah. What's the average or what's
 8 the longest, what's the shortest, that type of
 9 thing?
 10 A. I don't want to speculate.
 11 Q. You knew it could take hours, didn't you?
 12 A. To do what?
 13 Q. To process a group this large?
 14 A. It may.
 15 Q. So there would be people who would be detained
 16 for that length of time, is that right?
 17 A. They were pending processing.
 18 Q. I'm sorry?
 19 A. There could be.
 20 MR. ASHFORD: Can you keep your voice
 21 up?
 22 MR. GOODMAN: I'm sorry.
 23 BY MR. GOODMAN:
 24 Q. Taking a look at Exhibit 4, in addition to the
 25 narrative that we've just discussed what other

Page 73

1 information is contained in this document?
 2 A. There's a list of individuals who -- looks like
 3 they were either cited or investigated.
 4 Q. Anything else?
 5 A. There's a brief paragraph above that that says
 6 Vice Enforcement Narcotics Code 3025 and 2913 and
 7 Tactical Mobile assisted in the execution. It
 8 has the warrant number contained.
 9 Q. So all that's contained -- I mean -- and that's
 10 it, is that right?
 11 A. No, there's a note on the back that we didn't
 12 discuss regarding a purse that was left at the
 13 location.
 14 Q. Anything else?
 15 A. That was released to Jacob Timlin after I talked
 16 to the owner of said purse or who I believe to be
 17 the owner.
 18 Q. Anything else? The purse, the people who were --
 19 A. Well, yeah, the daytime addresses, who entered
 20 it, disposition, you have a case number, report
 21 number, report date, offense details.
 22 Q. How about the individuals who were in the entry
 23 team?
 24 A. Code 3025 and 2913.
 25 Q. Does that give you the names of the officers?

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20 (Pages 74 to 77)

Page 74

1 A. No, gives you the code for them.
 2 Q. The code meaning what?
 3 A. That's the unit they go by.
 4 Q. So if you checked through that code number, you
 5 will get the names of the officers who were
 6 involved in the entry?
 7 A. Narcotics should be able to look at that and tell
 8 you who's involved in the entry.
 9 Q. Where does it say which unit was involved in the
 10 entry?
 11 A. Narcotics code 3025 and 2913.
 12 Q. I see the code numbers for the Narcotics Unit,
 13 but why do I know that Narcotics did the entry or
 14 why do you know that Narcotics did the entry and
 15 not Tactical Mobile?
 16 A. Tactical Mobile does not do entries.
 17 Q. And were there Narcotics officers there other
 18 than the entry team or was the entry team -- were
 19 the only Narcotics officers who were present
 20 those involved in the entry?
 21 A. To my knowledge it would be the officers involved
 22 in the entry.
 23 Q. No other Narcotics involved?
 24 A. Not that I'm aware of.
 25 Q. Does it indicate where these various individuals

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1 Q. Yes.
 2 A. I don't know.
 3 Q. Were any of them between the age of 18 and 21?
 4 A. I believe so.
 5 Q. Were many of the people between the ages of 18
 6 and 21 either observed by you or any other law
 7 enforcement officer consuming alcohol?
 8 A. I don't know.
 9 Q. If so, would it be reported in this particular
 10 document? By "this document" I'm referring to
 11 Exhibit 4.
 12 A. What's the question?
 13 Q. If someone -- if there was a minor actually
 14 drinking or in possession of alcohol would it be
 15 reported in this Exhibit 4, in this CRISNET?
 16 MR. ASHFORD: Object to form.
 17 A. You'd have -- Sgt. Buglo prepared the report,
 18 you'd have to ask him.
 19 BY MR. GOODMAN:
 20 Q. Well, as his commanding officer and law
 21 enforcement officer yourself, if someone was --
 22 if a minor was in possession shouldn't it be
 23 reported in some official police report or
 24 document?
 25 A. It depends on the circumstances.

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1 -- how many are listed here?
 2 A. Assuming they're numbered correctly, 134.
 3 Q. Of the 134 persons who was detained near the bar,
 4 who was detained in another room, who was
 5 detained near the music and who was detained out
 6 in the courtyard?
 7 A. The engagers would have been detained towards the
 8 front, the doorman, the bartender, the other
 9 doorman and the houseman. Where the other people
 10 were investigated and/or detained I do not know.
 11 Q. Is that kind of detail of any importance to you
 12 as a law enforcement officer in terms of
 13 documenting these kinds of incidents?
 14 MR. ASHFORD: I object to the form.
 15 MS. GIAQUINTO: You can answer.
 16 A. Where specifically they were located in the
 17 building?
 18 BY MR. GOODMAN:
 19 Q. Yeah.
 20 A. It would be nice to have.
 21 Q. Can you indicate why it wasn't documented?
 22 A. No.
 23 Q. Were any of the people who were detained and
 24 given citations that day minors?
 25 A. As in under 18?

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1 Q. What do you mean by that? How does it depend on
 2 the circumstances?
 3 A. Well, normally upon entry for a raid execution
 4 everything hits the floor, so as opposed to
 5 you're saying officers coming in and identifying
 6 that you had seen a minor still holding a beer
 7 bottle is highly unlikely.
 8 Now, if the undercover officers had the
 9 opportunity to return and, say, identify that
 10 subject as a minor and then cite them
 11 accordingly, then they would do so.
 12 Q. Let's talk about -- and was that done in this
 13 particular instance?
 14 A. I didn't go back in and identify anyone as being
 15 under 21 that I observed consuming.
 16 Q. Did you go back in and identify anyone as having
 17 consumed alcohol at all?
 18 A. I think I went and identified the engagers.
 19 Q. And that was it?
 20 A. Yeah.
 21 Q. Let's talk about the processing for just a
 22 moment. How was the processing set up in this
 23 particular raid?
 24 A. I don't recall how the specific processing was
 25 set up.

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21 (Pages 78 to 81)

Page 78

1 Q. Were there several long tables in some part of
2 the establishment at which officers sat and
3 people shuffled past them?
4 A. I don't recall.
5 Q. Were people interviewed at all? By "people", I
6 mean were any of the customers interviewed?
7 A. You'd have to ask the officers that did the
8 processing.
9 Q. Were you present while the processing was being
10 done?
11 A. Parts of it, yes.
12 Q. Did you observe it happening?
13 A. I observed conversations, but I wasn't in-depth
14 paying attention to what the officers were having
15 said conversations about, so if there was an
16 interview or something of that nature, the
17 characterization I can't confirm or deny.
18 Q. When you say "observe conversations", you
19 observed conversations between Detroit police
20 officers and patrons of the CAID, is that what
21 you're saying?
22 A. Yes.
23 Q. You have no idea what they were talking about?
24 A. In most -- I wasn't paying particular attention
25 to their conversations.

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1 Q. Did you hear anyone ask, "Why am I being given a
2 citation"?
3 A. Not that I specifically recall.
4 Q. Did you hear anyone say, "I had no idea one way
5 or another whether this was a licensed
6 establishment"?
7 A. Not that I specifically recall.
8 Q. Did you hear anybody say one way or another, "I
9 had no idea there was drinking going on here"?
10 A. Not that I specifically recall.
11 Q. Would it have made any difference whatsoever had
12 that information been communicated to any of the
13 officers who were engaged in the processing in
14 terms of whether or not the person would receive
15 a citation?
16 MS. GLAQUINTO: Objection, foundation.
17 You can answer.
18 A. I wouldn't want to speculate. You'd have to ask
19 the officers issuing the tickets.
20 BY MR. GOODMAN:
21 Q. The circumstance that you described earlier, that
22 is that regardless of whether anybody was
23 drinking and they would be given a citation for
24 loitering in a site of an illegal occupation,
25 that was based upon your familiarity with what

Page 80

1 happened in those raids routinely, is that right?
2 A. That was based on my familiarity with the City
3 Code.
4 Q. And how are you familiarized with the City Code?
5 A. I don't understand.
6 Q. Who showed it to you, who informed you this is
7 the law that we're enforcing here?
8 A. I don't specifically recall.
9 Q. Was it your predecessor, Debra Fair?
10 A. I'm sure I had seen that version of the City Code
11 prior to my time at Vice Enforcement.
12 Q. Prior to your time in Vice Enforcement?
13 A. I'm sure.
14 Q. Why is it that you would have seen it prior to
15 your time in Vice Enforcement?
16 A. One --
17 Q. Did you have occasion to enforce that particular
18 provision of the law?
19 A. Not that I would specifically recall.
20 Q. But it was your understanding that the law itself
21 authorized Detroit police officers to arrest
22 anyone who was present at a location -- an
23 unlicensed location where alcohol was being sold
24 and where alcohol was being sold after 2 AM
25 regardless of whether those people knew that the

Page 81

1 alcohol was being sold without a license at that
2 location, is that right?
3 A. No, it isn't. You said arrest.
4 Q. I'm sorry, you're right. Let's go back then to
5 citations. Is it your understanding then that
6 people would be given a citation for loitering at
7 a location where alcohol was being sold without a
8 license or being sold after hours, regardless of
9 whether they had knowledge of whether the place
10 was licensed or not?
11 Was that your understanding at the
12 time?
13 A. I don't think that's accurate either.
14 Q. How is that inaccurate?
15 A. Well, one, I mean after hours sales of alcohol 2
16 AM is a commonly known thing. That's why bars
17 close, etc, etc, so that would be fair notice to
18 the after hours sales.
19 As far as the blind pig activity, we
20 did not -- for them not having any license, we
21 did not execute until after such time that people
22 should have been familiar with that information
23 that alcohol was being sold after hours.
24 Q. So that's the reason that you executed after 2
25 AM, is that right?

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22 (Pages 82 to 85)

Page 82

1 A. That was in part a reason, yes.
 2 Q. Because then you said people should have fair
 3 notice that sales were being -- purchases were
 4 being made and alcohol was being sold after 2 AM,
 5 is that right?
 6 A. In part.
 7 Q. What else?
 8 A. There would be tactical and other considerations
 9 which probably wouldn't be privy to discuss, but
 10 there would be other considerations as to the
 11 time of the execution.
 12 Q. How is it that people would be on fair notice
 13 that alcohol was being -- withdraw that question.
 14 What time was it that the raid was
 15 called in according to Exhibit 4?
 16 A. I'll say it again, I believe the raid was
 17 executed around 2:30 AM.
 18 Q. If videotape of the raid showed the raid being
 19 executed at about 2:15 would you have any reason
 20 to disagree with that?
 21 A. My recollection is it was executed approximately
 22 2:30.
 23 Q. Do you have any documentation of that
 24 recollection?
 25 A. Not that's sitting before me, no.

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1 Q. Is there some anywhere?
 2 A. There could be.
 3 Q. Where?
 4 A. There would be an activity log attached to this,
 5 there would be other documents.
 6 Q. Let's take a look at that.
 7 DEPOSITION EXHIBIT 5
 8 DPD activity log, 5-30-08
 9 WAS MARKED BY THE REPORTER
 10 FOR IDENTIFICATION.
 11 Q. Can you identify what's been marked as Exhibit 5?
 12 A. It's a Detroit Police Department activity log
 13 dated 5-30-08 for Vice Enforcement.
 14 Q. Does it show what time the raid was executed --
 15 the warrant was executed?
 16 A. 2:20 AM.
 17 Q. Any reason to disagree with that estimate or with
 18 that account?
 19 A. My recollection is what my recollection is. The
 20 document isn't going to make me change the
 21 position that, like I said, I recall it being
 22 around 2:30. I said approximately 2:30.
 23 If it says 2:20, that might be when
 24 they looked at their watch and saw as the time.
 25 Q. Are you saying they're wrong based upon your

Page 84

1 recollection or that that's just a rough
 2 estimate?
 3 A. I'm saying people have different perspectives.
 4 Q. Do you disagree with 2:20?
 5 MR. ASHFORD: I'm going to object to
 6 that, asks and answered. She's answered that
 7 several times.
 8 BY MR. GOODMAN:
 9 Q. Go ahead.
 10 A. 2:20 for them could be the time they received the
 11 notification. They would still have to leave
 12 whatever location they were at and then come to
 13 the scene to make entry.
 14 2:30 could also be right because of my
 15 recollection of when they came in the door and
 16 executed would be that, so I don't know which one
 17 they were reflecting on this activity log. I did
 18 not prepare said activity log so, like I said,
 19 perspectives can be different.
 20 My recollection was it was
 21 approximately 2:30 AM.
 22 Q. Is there any other documentation that you can
 23 think of or would there be any other
 24 documentation other than the activity log that
 25 would tell us at what time this warrant was

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1 executed?
 2 A. I'm sure there could be other documentation.
 3 What it would be at this point, I don't know what
 4 it would be. Like I said, that could be the time
 5 of notification as opposed to the time of entry,
 6 it could be the time of entry. I don't know what
 7 they were recording here.
 8 "Execution of search warrant" could be
 9 from the notice to go.
 10 Q. What's does the phrase "execution of search
 11 warrant" mean to you?
 12 A. It means you're going to execute the search
 13 warrant.
 14 Q. Okay. Now, did you at any time go out into the
 15 patio area that we've described and discussed
 16 here earlier?
 17 A. On which date?
 18 Q. The 31st of May.
 19 A. I believe I went out there after the search
 20 warrant was executed, yes.
 21 Q. How many people were out in the patio area?
 22 A. There were a number. I don't know how many, I
 23 didn't do a headcount.
 24 Q. Half a dozen, dozens? Can you give me a rough
 25 estimate or range?

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23 (Pages 86 to 89)

Page 86

1 A. Between 10 and 25.
2 Q. Was there any alcohol being served in the patio
3 as far as you know, sold?
4 A. I went out there after the execution of the
5 search warrant. There was no alcohol being sold
6 after we had executed the search warrant.
7 Q. Was there any alcohol being sold in the patio
8 area -- withdraw that question.
9 Do you have any reason to believe there
10 was any alcohol being sold in the patio area
11 before you went out there?
12 A. I don't understand.
13 Q. Do you have -- did anyone tell you, did you have
14 any other reason to believe that someone was
15 selling alcohol outside in the patio before 2:20
16 or 2:30 AM on the morning of May 31st?
17 A. I don't know if they were selling alcohol in the
18 patio prior.
19 Q. That's not my question. My question is, did you
20 have any reason to believe that there was any
21 alcohol being sold out there?
22 MR. ASHFORD: Objection to form.
23 MS. GIAQUINTO: You can answer.
24 BY MR. GOODMAN:
25 Q. Go ahead, inspector.

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1 A. I don't recall.
2 Q. At this time you can't recall any reason that you
3 would have had to believe people were selling
4 alcohol out there, is that right?
5 A. One, I don't understand the question. You're
6 asking me to -- I don't understand the question
7 to begin with, so --
8 Q. There were people out in the patio when you were
9 sitting at the bar observing sales of alcohol, is
10 that right?
11 A. I wasn't sitting at the bar, but --
12 Q. Near the bar?
13 A. I was standing near the bar.
14 Q. Standing near the bar. Were there people in the
15 patio as you were standing near the bar?
16 A. I didn't observe the patio. From that location
17 you cannot observe outside, so you're asking me
18 to speculate as to what was occurring outside. I
19 did not observe it.
20 Q. There may or may not have been people on the
21 patio at that time, is that right?
22 A. There may or may not.
23 Q. That's right. And there may or may not have been
24 alcohol being sold out there, is that right?
25 MR. ASHFORD: Objection.

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1 MS. GIAQUINTO: Objection, foundation.
2 MR. ASHFORD: Object to the form.
3 A. I can't say.
4 BY MR. GOODMAN:
5 Q. You couldn't see what was going on on the patio
6 as you were standing near the bar, is that right?
7 A. Once I was inside the location, no.
8 Q. So the people who were in the patio, if there
9 were people in the patio, could not see what was
10 going on at the bar, is that right?
11 A. At the inside bar, no, they could not.
12 Q. There was no reason for those people to be on
13 notice that sales were going on after 2 AM in the
14 morning as far as you know at this time, was
15 there?
16 A. I don't know.
17 Q. So the reason those people were given citations
18 -- let me withdraw that question.
19 The people who were in the patio were
20 given citations, is that correct?
21 A. Actually I'm not going to assume. I believe they
22 were.
23 Q. And whether -- and they were given citations for
24 being at a location where alcohol was being sold
25 that was unlicensed, is that right?

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1 A. Yes.
2 Q. And you said you waited until after 2 AM to call
3 for the raid because the people who could observe
4 alcohol being sold after 2 AM were on fair notice
5 that that was happening, is that right?
6 A. That was a consideration. That was not all the
7 consideration.
8 Q. But that consideration may not have applied to
9 people who were on the patio who could not see
10 what was going on in or around the bar, isn't
11 that right?
12 A. Correct.
13 Q. So the only basis that the people on the patio
14 were given citations was because they were at or
15 near a location which was unlicensed which was
16 selling alcohol?
17 A. They were loitering in a place of illegal
18 occupation.
19 Q. And loitering consisted of being at or near an
20 unlicensed place where alcohol was being
21 provided, is that right?
22 A. Yes.
23 Q. Regardless of whether they knew that the alcohol
24 was being provided or not, is that right?
25 MR. ASHFORD: Object, call for a legal

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24 (Pages 90 to 93)

Page 90

1 conclusion. Go ahead.
 2 MS. GIAQUINTO: You can answer.
 3 A. Regardless whether they were. They were issued
 4 the ticket regardless, yes.
 5 BY MR. GOODMAN:
 6 Q. And that practice of issuing tickets or citations
 7 for proximity or being in a location, in or
 8 around a location where alcohol was being
 9 provided without a license, was something that
 10 had been happening and the way in which this law
 11 was enforced by the Vice Enforcement Unit before
 12 you got there, is that right?
 13 A. I can't speak to what happened before I got
 14 there.
 15 Q. Did you ever speak to Debra Fair about--
 16 A. You'd have to ask her her interpretation.
 17 Q. That's not my question. My question is did you
 18 ever speak with her?
 19 A. Yes.
 20 Q. Did she tell you about how these raids were
 21 conducted?
 22 A. Yes.
 23 Q. What did she tell you?
 24 A. I don't specifically recall.
 25 Q. Did she tell you that they were conducted in the

Page 91

1 same way that the raid at 5141 Rosa Parks was
 2 conducted on May 31st?
 3 A. I don't recall the specific exchange. I do know
 4 we had a general conversation.
 5 Q. Was it your understanding -- when you became the
 6 commanding officer of this unit did you change
 7 the manner or way in which these raids were
 8 conducted?
 9 A. In some cases, yes.
 10 Q. How?
 11 A. We actually started to try to reach out to
 12 places. In lieu of executing search warrants we
 13 tried to reach out to locations and advise them
 14 of other ways to obtain a 24-hour permit or
 15 something of that nature.
 16 Q. How many such instances of reaching out can you
 17 recall?
 18 A. More -- probably more than 10.
 19 Q. Now that would involve locations which did have a
 20 license to sell alcohol, is that right?
 21 A. No, that would not.
 22 Q. Give me an example, if you would, of one of those
 23 instances of reaching out?
 24 A. An example is I talked to Aaron Timlin who runs
 25 the CAID prior to the execution of this search

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1 warrant and advised him how to get a 24-hour
 2 liquor license and be in compliance with the law
 3 and advised him that he did not have -- he was
 4 aware that he did not have a liquor license and I
 5 advised him how he could go through the process
 6 to ensure that he was complying with the law and
 7 his patrons weren't subject to ticketing or he
 8 wasn't exposed to any nuisance abatement activity
 9 at his location.
 10 Q. Do you have any documentation of those contacts
 11 with Aaron Timlin?
 12 A. I'd have to look.
 13 Q. Well, as you sit here today --
 14 A. As I sit here today, no.
 15 Q. Let me finish my question, please. As you sit
 16 here today you do believe you have such
 17 documentation somewhere?
 18 A. I could.
 19 Q. That would be in what form?
 20 A. It could be in a variety of forms.
 21 Q. What did you tell Mr. Timlin about how he could
 22 get a license?
 23 A. The process in which to obtain a 24-hour permit,
 24 how a non-profit would work, what he needed to
 25 do, who he needed to contact, gave him the number

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1 of who to contact at Liquor License.
 2 So if they wanted to hold fund-raisers
 3 -- his assertion was that they wanted to hold
 4 fund-raisers, they were raising money and my
 5 comment was that you're allowed to get 12 in a
 6 year. You only have these events supposedly once
 7 a month and that the 24-hour permit process would
 8 allow him to do fund-raisers in a legal form and
 9 he kind of joked that that was kind of besides
 10 the point.
 11 Q. How was that a joke?
 12 A. He seemed to appreciate the unlawfulness of the
 13 activity and he declined my offer of assistance.
 14 Q. How many times did you have conversations with
 15 him about this?
 16 A. He showed up the night we executed the search
 17 warrant and I had a long conversation outside
 18 again about how to do it again, even after we
 19 executed the search warrant, about how it could
 20 be proper, how to lawfully proceed if he wanted
 21 to continue to host these types of events.
 22 Q. How many times did you talk to him before that
 23 night?
 24 A. I know I at least talked to him once. Probably
 25 only that once.

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25 (Pages 94 to 97)

Page 94

1 Q. When?

2 A. I don't specifically recall.

3 Q. Was it after you made your initial observation of

4 the CAID in March?

5 A. It was after I knew there was illegal activity

6 occurring at that location, yes.

7 Q. So that would have been after March of 2008, am I

8 right?

9 A. Yes. And prior to May 31 of 2008.

10 Q. Was it a telephone conversation or a face-to-face

11 conversation? What was it?

12 A. I believe the first one was -- actually both of

13 them was face to face.

14 Q. You went over to the CAID and talked to him or

15 did he come to your office and speak with you?

16 A. He didn't come to my office. He did not come to

17 my office.

18 Q. You went to the CAID?

19 A. I don't recall where we had the meeting.

20 Q. Was anyone else present?

21 A. I don't recall.

22 Q. So you've described ways in which you changed the

23 practices of the Vice Enforcement Unit by

24 reaching out to Aaron Timlin and others and

25 trying to help them to get 24-hour licenses to

Page 95

1 sell alcohol, is that right?

2 A. If it was appropriate. That was the

3 recommendation, if it was the appropriate

4 recommendation. Otherwise we would discuss the

5 illegal activity and impending enforcement.

6 Q. In other words, you warn them that you were going

7 to --

8 A. I told them how to come into compliance with the

9 law and then if they did not, that there would be

10 enforcement activity.

11 Q. That was a change in policy also?

12 A. To the best of my knowledge, yes.

13 Q. Any other changes that you can recall?

14 A. Pertaining to what specifically?

15 Q. Pertaining to the way in which raids were

16 conducted?

17 A. I believe the SOPs were rewritten, the standard

18 operating procedures were rewritten.

19 Q. After when?

20 A. I don't recall.

21 Q. Was it before the raid on the CAID?

22 A. They were rewritten when I was there. At which

23 point, I do not know.

24 Q. What in the SOPs was rewritten?

25 A. I can't specifically recall.

Page 96

1 Q. Do you recall any of it at all?

2 A. Not without reviewing it, no.

3 Q. Were there any changes with regards -- in policy

4 since when you became the commanding officer of

5 the unit with regard to who would be issued

6 citations or tickets when a raid such as this was

7 conducted?

8 A. Were there any changes --

9 Q. In policy?

10 A. In policy about who would get a ticket? Not to

11 my knowledge.

12 Q. The practice of reaching out as you've described

13 it and trying to talk to the proprietors of these

14 kind of operations was a policy change, is that

15 right?

16 A. I don't know if it's written policy, but it is an

17 informal practice that was a change in direction

18 to the best of my knowledge, yes.

19 Q. And who made the decision to change it that way?

20 A. I did.

21 Q. Did you clear it with anybody, with anybody above

22 you in the chain of command?

23 A. I'm sure I would have, but I don't specifically

24 recall.

25 Q. Did you advise the other officers who worked in

Page 97

1 your unit of this change?

2 A. They should have been aware.

3 Q. How should they have been aware?

4 A. We had meetings. Another example, we had a

5 meeting with various motorcycle clubs similar

6 where they were having blind pig activity, we had

7 meetings with them and whatnot.

8 So these meetings were secretive in

9 nature.

10 Q. Were not secretive?

11 A. Were not.

12 Q. And those meetings occurred at your office, at

13 motorcycle clubs?

14 A. Neutral location.

15 Q. And you had others from your unit with you when

16 these meetings took place or was it just you?

17 A. I'm pretty sure I didn't go alone, but I can't

18 say who went with me.

19 Q. So, Insp. Yost, is it your -- I want to go back

20 to the discussion you had with Aaron Timlin. How

21 long did that discussion go on if you can recall?

22 A. To the best of my recollection it was maybe 10

23 minutes or so, that's a ballpark and a general

24 vague recollection.

25 Q. You told him that there were special provisions

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26 (Pages 98 to 101)

Page 98

Page 100

1 for non-profits that allowed them to get a
 2 24-hour liquor license 12 times a year, something
 3 like that, is that right?
 4 A. Yes.
 5 Q. Is it your testimony here that had he gotten such
 6 a license this raid never would have happened on
 7 May 31, 2008?
 8 A. Had he gotten a proper liquor license and not
 9 sold after hours this raid would not have
 10 occurred.
 11 Q. One of those 24-hour licenses?
 12 A. Correct.
 13 MR. GOODMAN: I would like to take a
 14 brief break if we could. I'm keeping in mind
 15 your concerns about your time.
 16 (A recess was taken and Mr. Ashford
 17 not present for rest of deposition).
 18 BY MR. GOODMAN:
 19 Q. Taking a look -- I want you to go back to Exhibit
 20 4. Let's take one of the -- withdraw that
 21 question.
 22 Did you yourself sign any of the
 23 citations that were issued that night to any of
 24 the people?
 25 A. I believe so.

1 you as to how it is to be decided that a certain
 2 officer will sign a certain person's citation, is
 3 that right?
 4 A. Excuse me?
 5 Q. In other words, let's take Sgt. Turner as an
 6 example. How does -- what guidelines does Sgt.
 7 Turner use to determine who's going to sign a
 8 citation or a ticket for any particular patron?
 9 A. You'd have to ask him.
 10 Q. You don't give him any general approach as to how
 11 you do that?
 12 A. I'll reiterate, you'd have to ask him. I do not
 13 micro-manage my sergeants.
 14 Q. Let's take just an example, Defendant 81 at the
 15 top of Page 5 -- oh, no, that's Timlin, I don't
 16 want to use him.
 17 Let's take Defendant 59 at the top of
 18 Page 1, Neil Matouka. He was charged with
 19 loitering in a place of illegal occupation by a
 20 police officer J. Cobb-Sanders.
 21 You know that officer?
 22 A. Vaguely.
 23 Q. Did that officer work for Vice Enforcement at
 24 that time or under your command at that time?
 25 A. I don't think she was assigned to Vice

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Page 101

1 Q. Can you find any of those references in here?
 2 A. 1 and 3.
 3 Q. These would be the engagers?
 4 A. Yes.
 5 Q. Any of the -- how about any of the patrons, did
 6 you sign any for any of the patrons?
 7 A. I don't believe so, but let me look. It does not
 8 appear so.
 9 Q. Now, going to the processing of the patrons after
 10 the raid was executed, after the warrant was
 11 executed and the raid occurred how was it decided
 12 which officers would sign the citations for
 13 individual patrons?
 14 A. That would have been determined by probably the
 15 supervisor inside.
 16 Q. Who was the supervisor inside?
 17 A. I believe it would be Sgt. Turner.
 18 Q. So you had nothing to do with this process?
 19 A. I don't know that I had nothing to do with that
 20 process, but I don't micro-manage my supervisors
 21 to the extent that if they have a process that
 22 works, then they have people who are familiar
 23 with certain assignments and those people would
 24 be assigned based on their determination.
 25 Q. So the guidelines though are guidelines set by

1 Enforcement, no.
 2 Q. What would have been the basis for Officer
 3 Cobb-Sanders deciding that Mr. Neil Matouka had
 4 violated the law if you can testify as the
 5 commanding officer of this --
 6 A. You'd have to ask Officer Cobb-Sanders. I can't
 7 speak to what her rationale was.
 8 Q. Would it be based upon the fact that Matouka was
 9 present at the time?
 10 A. You'd have to ask her, she issued the ticket.
 11 Q. So you have no idea as to why these people were
 12 or were not given citations?
 13 A. You asked me about a specific individual and what
 14 an officer's specific understanding was --
 15 Q. Yeah.
 16 A. -- when they issued the ticket. You'd have to
 17 ask the officer what her specific understanding
 18 is.
 19 Q. Would there have been any special circumstances
 20 based upon which Mr. Matouka might have not been
 21 issued a citation at that time along the lines of
 22 the kind of special circumstances that you
 23 outlined earlier when people were not given
 24 citations?
 25 A. I don't understand.

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27 (Pages 102 to 105)

Page 102

1 Q. You testified earlier that there are times when
2 people are not given citations for loitering in a
3 place of illegal occupation such as if they're a
4 minor. Do you remember that?
5 A. There may be exceptions, yes.
6 Q. How are those exceptions taken into account by
7 the arresting officers in a raid such as this?
8 A. You'd have to ask the officers who issued the
9 tickets. They were not the arresting officers,
10 but they were the officers who issued the
11 tickets.
12 Q. Right, the officers who issued the tickets. So
13 as the commanding officer, you have no
14 decision-making authority with regard to whether
15 these people are or are not given citations?
16 A. You didn't ask me that.
17 Q. That's what I'm asking now.
18 A. As the commanding officer I would have discretion
19 that I could certainly provide an exception for
20 if I thought it was valid.
21 I don't recall providing any said
22 special circumstances here.
23 Q. How is that description brought into play in a
24 raid such as this one? How is your discretion
25 called upon?

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1 A. Mine?
2 Q. Yeah. You say you have the discretion as the
3 commanding officer.
4 A. All the officers --
5 MS. GIAQUINTO: Object to foundation
6 here. Did she use that discretion in this
7 particular raid?
8 BY MR. GOODMAN:
9 Q. That's where we're -- go ahead.
10 A. No, I had already said I had not used that
11 discretion in this raid.
12 Q. But if your -- you say as the commanding officer
13 you would have discretion if it were called upon,
14 is that right?
15 A. So would the officers, yes.
16 Q. You and the officers?
17 A. Yes.
18 Q. So under what circumstances are you asked to make
19 a decision when the officer is issuing a citation
20 as either not make -- withdraw that question.
21 Under what circumstances will your
22 discretion be brought into play in terms of
23 whether special circumstances should be taking
24 into accounts in the issuance of a citation such
25 as this?

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1 A. If information comes to my attention that
2 consideration or exercise of that discretion is
3 warranted.
4 Q. How is that information brought to your
5 attention?
6 A. It would depend on the circumstances. Like I
7 said, in this case I don't recall anything that
8 came to my attention that drew my review or
9 consideration.
10 Q. Is there some point at which a decision is made
11 that everybody who is on the premises at a
12 particular time after a warrant has been executed
13 and the raid has occurred is to receive a
14 citation?
15 A. The people who are loitering in a place of
16 illegal occupation would be cited.
17 Q. Is there an order given? You're the commanding
18 officer. Is there an order given by you saying
19 to either your sergeants or the officers who were
20 working under them, "Everybody who is here is to
21 be given a citation"?
22 A. I don't know that there's an order. That was a
23 practice.
24 Q. And that practice -- at some point after the raid
25 had occurred did someone say to you, "Should we

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1 set up the processing of these particular
2 people"?
3 A. I don't recall.
4 Q. Did you order people, "All right, you can now
5 start processing people"? Did you issue that
6 kind of command?
7 A. I was one of the UC officers. The supervisor in
8 charge of entry would have determined when it was
9 safe and after that the supervisor which would
10 be, like I said according to the documents Sgt.
11 Turner, would have determined what assignments
12 were to be made and how it was to be processed.
13 Q. Did you talk to Sgt. Turner at all about what was
14 going to happen during that time?
15 A. I don't specifically recall.
16 Q. Back in 2008 when a raid such as this was
17 conducted was there a point at which someone
18 would come to you and say, "Are we going to treat
19 this in accordance with our usual practice and
20 issue a citation to everybody who's on the
21 premises or are we going to treat it any
22 differently"?
23 Was that kind of discussion held or was
24 it held back at that time?
25 A. This is three and a half years ago. I don't

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28 (Pages 106 to 109)

Page 106

1 recall any discussions that were happening in
2 2008.
3 DEPOSITION EXHIBIT 6
4 part of standard operation procedures
5 WAS MARKED BY THE REPORTER
6 FOR IDENTIFICATION.
7 Q. Can you identify what's been marked as Exhibit 6?
8 A. Looks to be part of the standard operating
9 procedures for Vice Enforcement, but that's what
10 it appears to be.
11 Q. And do you know who wrote this policy?
12 A. Like I said, the SOPs were revised. At what
13 point, this doesn't indicate so not sure.
14 Q. Was this the written policy that was in place at
15 the time of the raid on CAID on May 31, 2008?
16 A. Without looking at something further, no, I can't
17 tell.
18 Q. Does this fairly -- on the front of this exhibit
19 it says there's a caption called, "Target
20 information," do you see that?
21 A. Yes.
22 Q. It says here,
23 "Under no circumstances shall any
24 officer enter an illegal establishment
25 for purpose of discovery without prior

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1 is can an officer enter a blind pig in a UC
2 capacity without telling his supervisor, the
3 answer would be that they should not.
4 Q. And that was the practice or policy of your unit
5 back on May 31, 2008, right?
6 A. Yes.
7 Q. Let me just say for the record I'll represent to
8 you that this policy has been produced to us as
9 the policy that was in place at that time.
10 Now, if that's wrong, you're here to
11 tell me that. I just need to know it from you.
12 So just as background, this is what we've been
13 given, this is what we know.
14 A. Okay.
15 Q. And if I'm wrong or somebody gave this to us and
16 they're wrong, you let us know, that's all I'm
17 asking.
18 A. I'm only stating that when I don't know a
19 timeline or when something was published, I'm
20 merely acknowledging that because I swore to tell
21 the truth.
22 Q. Of course. Now, this under "Target information"
23 uses the phrase "enter an illegal establishment
24 for purpose of discovery."
25 What does that mean? What is the

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1 notification to and receiving approval
2 from his immediate supervisor."
3 Was that the policy at the time of the
4 CAID raid?
5 A. Again, three and a half years ago I don't recall.
6 Q. Was that the practice at the time of the CAID
7 raid?
8 A. Same answer.
9 Q. So is it possible that officers could enter an
10 illegal establishment for purposes of discovery
11 without approval from a supervisor?
12 A. To my -- so your assertion is can officers enter
13 an illegal establishment without telling a
14 supervisor?
15 Q. I'm just trying to figure this out. You're
16 saying you don't know if this was the practice in
17 your unit on May 31, 2008. So I'm saying if it
18 wasn't the practice of your unit, then is it
19 possible that officers could enter these
20 establishments without prior approval back at
21 that time for discovery purposes?
22 A. Well, one, this isn't a complete document so
23 you're asking me to look at something in
24 isolation. I don't know when this was revised
25 and/or -- well, just revised and if the question

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1 purpose of discovery? Does that just mean an
2 undercover operation?
3 A. That's my interpretation of it, yes.
4 Q. And then it says under no -- withdraw that.
5 Here it says -- withdraw that.
6 Then it says, "Under no circumstances
7 shall a target be raided without prior
8 notification and receiving approval from the OIC
9 or their designee."
10 Now, OIC, I take it, means officer in
11 charge, right?
12 A. Yes.
13 Q. And in this particular instance with reference to
14 the CAID raid on May 31, 2008, who was the OIC?
15 A. I was, of Vice Enforcement.
16 Q. So this particular provision which says that a
17 target cannot be raided unless the OIC approves
18 the raid would be a reference to you, right?
19 A. It also says -- for accuracy it says "or their
20 designee".
21 Q. But in this instance --
22 A. In the instance of the CAID raid the OIC was me.
23 Q. You were the one then who authorized the raid?
24 A. Yes.
25 Q. And when you authorized that raid what you

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29 (Pages 110 to 113)

Page 110

1 authorized was the decision to issue a citation
 2 to everybody who was there on the premises as a
 3 patron, is that right?
 4 A. Yes.
 5 Q. Now, there is the next part of this document is
 6 called "Planning the raid" and it says,
 7 "The OIC shall be updated on the
 8 planned raid. The raid commander shall
 9 have operational control over the raid
 10 and designate assignments
 11 of personnel."
 12 Do you see that language?
 13 A. Yes.
 14 Q. Who was the raid commander?
 15 A. It would have been one of the Narcotics crews.
 16 Q. Do you remember who they were?
 17 A. No.
 18 Q. But it would not have been you, is that right?
 19 A. As I said before, the entry team has control over
 20 that entry, in that case the raid commander.
 21 Q. Then turning the document over, it says
 22 "The raid commander and the deputy raid
 23 commander when conducting a raid shall
 24 assign personnel tasks according to as
 25 follows:"

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1 And then there's a number of tasks that
 2 are designated here. That again is a reference
 3 to the Narcotics Unit?
 4 A. In this instance it would be a reference to the
 5 entry team which was the Narcotics Unit.
 6 Q. Do you recall -- if I've asked this, I apologize
 7 and I'll withdraw the question.
 8 Do you recall who the raid commander
 9 was from Narcotics on that date, the CAID raid?
 10 A. You had asked that and I said I didn't recall.
 11 It would have been one of the Narcotics.
 12 Q. How would we go about finding that out?
 13 A. It should be documented by Narcotics.
 14 Q. In what form, if you know, activity log?
 15 A. It could be an activity log. I don't know if
 16 they prepared a CRISNET report.
 17 Q. Now, we talked before about how long it would
 18 take to go through processing of certain
 19 individuals and I think you also testified that
 20 the first thing that happens is that everybody
 21 gets down on the ground, is that right?
 22 MS. GIAQUINTO: Objection,
 23 mischaracterization of testimony. We hadn't
 24 gotten that far.
 25 MR. GOODMAN: I thought that's what she

Page 112

1 said.
 2 BY MR. GOODMAN:
 3 Q. As soon as the raid starts people who were in the
 4 establishment are ordered to get to the ground?
 5 A. What I said is the location was under the control
 6 of the raid team until the situation was declared
 7 safe.
 8 How they do that entry is the
 9 determination of the raid team.
 10 Q. So whether or not they get down on the ground or
 11 not during the raid or during the entry, you're
 12 not going to testify about that or you don't
 13 know, is that right?
 14 A. I didn't say I didn't know. I know what I did, I
 15 know what I observed.
 16 Q. What did you do?
 17 A. I got down.
 18 Q. You were told to get down, right?
 19 A. They came in, said, "Police - search warrant" and
 20 I got down. That's what most of the people
 21 around me had done. I don't specifically recall
 22 them saying "get down", but I do know that that's
 23 what I did as well as the sergeant as well as
 24 other people in the area I could see.
 25 Q. And by getting down, what do you mean?

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1 A. I don't remember if I went seated or went lying
 2 down.
 3 Q. At some point you got up and Sgt. Buglo got up,
 4 right?
 5 A. Right.
 6 Q. How long were you down on the ground?
 7 A. Again, I don't know if I was seated or if I was
 8 lying down. A little bit, I don't know, maybe
 9 three to five minutes as a guesstimate.
 10 Q. Under what circumstances did you get up?
 11 A. We were pulled out.
 12 Q. You were pulled out because the officers on the
 13 entry team knew that you were the undercover, is
 14 that right?
 15 A. Yes. I don't know who pulled us out, but yes, we
 16 were removed from it because we were the
 17 undercover officers.
 18 Q. When you got up and were removed from the area
 19 other people were still lying down, is that
 20 right?
 21 A. Again --
 22 Q. Or seated?
 23 A. Yes, I believe they were.
 24 Q. Were they free to walk around?
 25 A. I don't believe so, no.

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30 (Pages 114 to 117)

Page 114

1 Q. Did you see people who had to kneel at some
2 point? Did you see anybody who was kneeling?
3 A. Not that I can recall, no.
4 Q. Did you see anybody who was lying on the floor?
5 A. Yeah.
6 Q. Did you see other people who were sitting?
7 A. I don't recall.
8 Q. You're aware of the fact, of course, that people
9 who are lying on the floor are not going to be
10 allowed to stand up or even sit up until an
11 officer tells them, "It's okay, it's okay for you
12 to stand up or sit up," isn't that right?
13 MS. GIAQUINTO: Objection, foundation.
14 You can answer if you can.
15 A. Are you asking me a hypothetical or are you
16 asking me what I observed?
17 BY MR. GOODMAN:
18 Q. Let's start with what you observed. Did you
19 observe that?
20 A. When I left the people were still either seated
21 or lying down.
22 Q. Was anybody asking, "Can I get up, can I leave"?
23 A. Not that I recall.
24 Q. Was anybody asking, "Can I move"?
25 A. Not that I specifically recall.

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1 Q. But as a matter of course and practice of your
2 department you understand that no one is going to
3 be allowed to either sit up or stand up until an
4 officer tells them they can, isn't that right?
5 A. I don't think that's a fair characterization.
6 Q. In what way is that unfair?
7 A. Well, you're asking, for one, me to speculate on
8 what happened when I wasn't there and as a matter
9 of course there is no matter of course in law
10 enforcement. Things happen very quickly and
11 unfold in manners that you wouldn't expect and
12 people aren't necessarily compliant.
13 So for me to guess at what answer
14 you're going for here, I can't.
15 Q. If someone is compliant and does what they're
16 told they are expected by police officers who
17 conduct a raid such as this to stay where they
18 are until they're told that they can move, are
19 they not?
20 A. That's a broad generalization. You're asking me
21 to speak to -- I can tell you what my presence
22 would be in an entry. I can tell you what my
23 expectation would be, what I would communicate
24 during that time.
25 But asking me for a broad

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1 generalization of something conducted by people
2 -- other people than me.
3 Q. As the commanding officer at that time of this
4 unit your experience was that if you tell people
5 to lie down, they are to stay down until you tell
6 them they can move, wouldn't that be correct?
7 A. I don't think that changes anything.
8 Q. As a police officer, isn't that correct, as a law
9 enforcement officer?
10 A. You're asking me to interpret someone's
11 expectations.
12 MS. GIAQUINTO: No, on your experience,
13 in your experience what would you do? What is
14 your expectation in your experience?
15 A. My expectation is that they would comply with the
16 verbal command given.
17 BY MR. GOODMAN:
18 Q. So if they're told to lie down, they're going to
19 stay down until they're told to move if you're
20 the officer in charge right there and commanding
21 them, right?
22 A. That's not necessarily the case, no. You're
23 making this very cut and simple like you say
24 "don't move" and they freeze. That does not
25 happen that way.

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1 Q. If a person intends to comply with what they're
2 being told --
3 A. They may put their -- go ahead, sorry.
4 Q. Go ahead, say whatever you want.
5 A. If they -- just because they intend to comply
6 doesn't mean they're not going to -- they may
7 raise their hand, they may ask questions, they
8 could turn, they could try to get up.
9 Compliance has very different levels.
10 Q. But your expectation is that they're going to
11 stay where they are located until --
12 A. It would be my hope that they would comply and
13 that they would stay until the area was deemed
14 safe.
15 Q. And if they don't stay where they're told, you're
16 going to charge them with some kind of violation,
17 are you not?
18 A. Not that I'm aware of.
19 Q. Obstructing your operation as a police officer,
20 could be doing a number of things, right?
21 Somebody moves and you say "don't move" and they
22 keep moving, don't you expect them to stop and if
23 they don't you're going to charge them with
24 something?
25 A. Not necessarily, no.

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31 (Pages 118 to 121)

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1 Q. So you think that people who are in this kind of
2 situation are free to move around, is that right?
3 A. I didn't say that.
4 Q. You don't think they're free to move around, you
5 think they are not free to move around?
6 A. You'd have to ask them what they thought.
7 Q. No, I'm asking you as a police officer at that
8 time --
9 MS. GIAQUINTO: Listen to the question.
10 BY MR. GOODMAN:
11 Q. -- if you're telling people, "This is a raid,
12 everybody get down, you're going to be processed,
13 don't move" you expect them -- let me put it this
14 way.
15 It is your judgment that they are not
16 free to move around wherever they want, isn't
17 that right?
18 A. Maybe I don't understand the question.
19 Q. I'll try and rephrase it. If you don't
20 understand, you can tell me you don't understand,
21 I can try to rephrase it, okay.
22 And here's the rephrasing of it. If
23 you're in charge of a raid and you tell people to
24 get down and stay where they are, it is your
25 understanding as a law enforcement officer that

1 isn't that right?
2 A. Yes.
3 Q. Which means they have to stay in a building if
4 they're in a building, right?
5 A. They have to stay, yes.
6 Q. And sometimes it can take an hour or two hours or
7 more before they're processed if it's a large
8 people of group, isn't that right?
9 A. It could.
10 Q. Now, on the back of this exhibit that we've been
11 talking about there's something called "Raid
12 Procedures".
13 Have you ever seen this before?
14 A. Yes.
15 Q. This document or something like it?
16 A. Yes.
17 Q. What does it mean when the raid procedures are
18 listed? What does that advise you as law
19 enforcement officers was to what is to happen and
20 what is expected?
21 A. What was the question?
22 Q. Are these instructions to you as the OIC about
23 how to go about handling the raid?
24 A. Yes.
25 Q. So the first thing it says is you get a search

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Page 121

1 they're not free to move around and go wherever
2 they want or leave the building, isn't that
3 right?
4 A. It's my understanding they would comply with the
5 directive, yes.
6 Q. And they're not free to move around?
7 A. Correct.
8 Q. And they're not free to go wherever they want?
9 A. Correct.
10 Q. And sometimes that processing where they're not
11 free to move around or go wherever they want can
12 take an hour or two hours or more, isn't that
13 right?
14 A. I don't agree with that characterization.
15 Q. Why, in what way do you disagree?
16 A. Well, I guess maybe I don't understand it. If
17 you're asking me whether they were told they
18 can't move for an hour or two, would that be the
19 usual circumstances, no that would not be the
20 usual circumstance.
21 Were they not free to leave for that
22 time, that may be, but as far as not being able
23 to move --
24 Q. Let's start with not free to leave. They're not
25 free to leave until after they're processed,

1 warrant, right?
2 A. Yes.
3 Q. Then you engage in surveillance according to
4 this, right?
5 A. Correct.
6 Q. And then there's a briefing?
7 A. Yes.
8 Q. And while we're on the briefing, how many
9 briefings do you recall for this particular raid,
10 the one on May 31st?
11 A. One that I can recall.
12 Q. And at that briefing who was -- were all the
13 officers involved in the raid present, that is
14 the entry team, everybody else or was it just a
15 briefing for Vice Enforcement?
16 A. I wouldn't have called the Vice Enforcement
17 pre-meeting a briefing. The briefing was held
18 with the raid entry team with Vice Enforcement,
19 with Tactical Mobile and Narcotics which is the
20 raid entry team.
21 Q. There would be a separate meeting which you I
22 think just characterized as a Vice Enforcement
23 pre-meeting, am I right about that?
24 A. We would have discussed the goals for the day,
25 yes.

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32 (Pages 122 to 125)

Page 122

1 Q. On the day of the raid which would have been May
2 30 or 31?
3 A. Yes.
4 Q. Was there or were there any notes taken, minutes,
5 any documentation of that meeting?
6 A. Not to my knowledge.
7 Q. Who was there?
8 A. Would have been the Vice crew.
9 Q. Which consisted of the people we've already
10 mentioned?
11 A. Yes.
12 Q. So going back now to raid procedures, we've
13 gotten through the briefing. Then there are the
14 raid entry and the assignments for the raid
15 entry, is that right?
16 A. Yes.
17 Q. Then the next section is called "Prisoner
18 Processing", is that right?
19 A. Yes.
20 Q. And that refers to information being obtained on
21 the patrons and loiterers or patrons who are
22 described in parentheses as loiterers, correct?
23 A. I'm sorry, what?
24 Q. It says, "Information on all patrons (loiterers)
25 shall be recorded before a disposition is made of

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1 Q. So you disagree with that use of the word
2 "prisoner", correct?
3 A. Well, I think the problem here is we're talking
4 about two different things. Prisoner processing
5 may apply and some of the raids we do end up
6 arresting folks and prisoner processing does
7 apply.
8 In some cases, it's just more of a
9 detaining processing.
10 Q. Do you agree -- well, let me put it this way.
11 Was this policy with regards to
12 "prisoner processing" in place at the time of the
13 CAID raid which would have been May 31, 2008?
14 A. I don't recall.
15 Q. Wasn't it the case that the disposition with
16 regards to each patron/loiterer as of May 31,
17 2008 was at the discretion of the raid commander
18 which would have been you?
19 A. I think that would be fair.
20 Q. Now, who was -- which unit was responsible for
21 the processing of the patrons/loiterers?
22 A. You would have to ask Sgt. Turner or someone who
23 made that assignment.
24 Q. But it was handled by Sgt. Turner who was from
25 Vice Enforcement, isn't that right?

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1 these individuals."
2 A. Yes, that's what it says.
3 Q. "This disposition will be at the discretion of
4 the raid commander," is that right?
5 A. Yep.
6 Q. And the raid commander was the person from
7 Narcotics?
8 A. They would have been the entry team commander,
9 yes.
10 Q. The entry team commander has the discretion to
11 decide the disposition of the individuals from
12 whom the information is taken?
13 A. No, that would have been mine.
14 Q. So that reference to raid commander is to you, is
15 that right?
16 A. That's the way I would interpret it, yes.
17 Q. And at this point the patrons who were loiterers
18 are prisoners, is that right?
19 A. No.
20 Q. I thought this section of the policy here is
21 called prisoner processing. Is that a misnomer,
22 they're not prisoners?
23 A. They're not -- they're detained, they're not
24 prisoners in the sense of they're going to be
25 escorted to the precinct and processed there.

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1 A. He would have been designated, yes.
2 Q. And the officers who were taking the information
3 that's referenced in this section of the policy
4 would have been Vice Enforcement officers or --
5 A. Perhaps, perhaps not.
6 Q. What other units might they have come from?
7 A. The units already stated, Narcotics or Tactical
8 Mobile.
9 Q. All of those units are available to assist in
10 taking information during the processing?
11 A. Depending on how the sergeant had it set up.
12 Again, that was the sergeant's determination.
13 Depending on how he would have set it up, could
14 have been.
15 Q. So where it says, "All crew members will be
16 assigned secondary assignments after the raid is
17 considered safe," the crew members here are
18 members of what crew?
19 A. This is a Vice Enforcement SOP, so it would be
20 referring to the Vice crew.
21 Q. It says, Number 1, prisoners processing
22 (searched, name check, etc), evidence processing
23 (counting confiscated monies, liquor, etc).
24 Is every person, every patron who is
25 given a citation for loitering to be searched?

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33 (Pages 126 to 129)

Page 126

1 A. Not necessarily.
 2 Q. How is the decision made whether a person is
 3 going to be searched or not?
 4 A. By the individual officer.
 5 Q. Which individual officer?
 6 A. Whoever is making the determination if they were
 7 searched.
 8 Q. Well, there are individual officers assigned to
 9 each of the citations. There were also
 10 individual officers who were involved in the
 11 processing of the patrons/loiterers.
 12 Which one makes the decision as to
 13 whether the person is going to be searched or
 14 not?
 15 A. You confused me again.
 16 Q. I'm saying you say that the officer is the person
 17 who makes the decision about whether someone is
 18 going to be searched.
 19 My only question is which officer makes
 20 that decision?
 21 A. It would be the determination as the raid was
 22 conducted as to how -- if people were to be
 23 searched and how were they to be searched.
 24 Q. That's the decision that's made. Who's it made
 25 by?

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1 A. How that process would take place?
 2 Q. Yeah.
 3 A. It would be the entry team who would be
 4 responsible for declaring this place safe.
 5 Q. Once it's declared safe -- after it's declared
 6 safe people are searched, right?
 7 A. I don't know in what order that happened.
 8 Q. Well, I'm just reading your policy here. It says
 9 prisoner processing. Number 1 or just above
 10 Number 1,
 11 "All crew members will be assigned
 12 secondary assignments after the raid is
 13 considered safe.
 14 Number 1. Prisoners processing
 15 (searched, name check, etc) evidence
 16 processing (counting confiscated
 17 monies, liquor, etc)".
 18 So at least as I read this -- and if
 19 I'm wrong, please tell me -- the people are
 20 searched after it's considered safe. Is that
 21 right or wrong?
 22 A. They may be searched also prior to being
 23 considered safe.
 24 Q. Patrons and loiterers can be searched before a
 25 determination is made that it's safe, the raid is

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1 safe if they on their face or it's apparent they
 2 present some threat or possibility of a threat,
 3 is that right?
 4 A. They can be searched for officer safety, yes.
 5 Q. Any other reasons that you can think of?
 6 A. They would all evolve around officer safety for
 7 the most part.
 8 Q. Now, after the raid is considered safe they also
 9 can be searched, right?
 10 A. They can be.
 11 Q. And who makes the decision as to whether they are
 12 to be searched after the raid is considered safe?
 13 A. It would probably be the sergeant in charge of
 14 the processing.
 15 Q. That would be Sgt. Turner in this particular
 16 instance?
 17 A. I believe it was Sgt. Turner.
 18 Q. So are you saying that people -- that there is no
 19 practice or policy and was no practice or policy
 20 in the department at that time to search
 21 everybody on the premises, but the decisions were
 22 made on a person-by-person basis?
 23 A. I think there was a practice of searching the
 24 individuals. I'm not going to say that there
 25 wouldn't have been exceptions to that.

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1 Q. And the practice was to search everybody unless
 2 there was some reason for an exception, is that
 3 right?
 4 A. A cursory search, yes.
 5 Q. And what does a cursory search consist of?
 6 A. You would be looking for officer safety. We're
 7 still dealing with a few officers with large
 8 crowds, so you would be looking for something
 9 like weapons and whatnot.
 10 Q. Would it be a frisk, would it be a pat-down,
 11 would it be -- what kind of search?
 12 A. It should be something similar to a frisk.
 13 Q. Were people expected to turn their pockets inside
 14 out at that time as a part of this kind of
 15 search?
 16 A. As a matter of policy?
 17 Q. Yeah, or just regular practice?
 18 A. Not to my knowledge.
 19 Q. Now, going back to the citations that were
 20 issued, these were misdemeanors at the time, is
 21 that right? Loitering was considered a
 22 misdemeanor, if you know?
 23 A. Yes.
 24 Q. In order to charge someone with a misdemeanor
 25 there has to be probable cause, you know that, is

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34 (Pages 130 to 133)

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1 that right?
 2 A. Yes.
 3 Q. There has to be probable cause to make such a
 4 charge, is that right?
 5 A. Yes.
 6 Q. Who made the decision of probable cause with
 7 regard to each of these individuals who was
 8 issued a citation of loitering on that date?
 9 A. As to each of them?
 10 Q. Yeah.
 11 A. Probably me.
 12 Q. In this particular raid a number of vehicles were
 13 confiscated, is that right?
 14 A. I believe so.
 15 Q. Were you told at the time that the raid was going
 16 on that the vehicles were being confiscated?
 17 A. While it was going on?
 18 Q. After?
 19 A. Subsequent to the raid I was aware that vehicles
 20 were being confiscated, yes.
 21 Q. How were you made aware of that?
 22 A. It was a determination made to seize the
 23 vehicles.
 24 Q. Who made that determination?
 25 A. I did.

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1 Q. What was that determination based on?
 2 A. Based on the nuisance abatement statute and
 3 conversation with the Wayne County Prosecutor's
 4 Office.
 5 Q. Who did you talk to at the Wayne County
 6 Prosecutor's Office?
 7 A. I don't recall.
 8 Q. Was it an assistant prosecutor?
 9 A. Could have been.
 10 Q. Could have been anyone else?
 11 A. It could -- it was someone in Forfeiture.
 12 Q. So --
 13 A. There's a deputy chief over Forfeiture that I've
 14 had contact with, there's also APAs, so which one
 15 I spoke to about this particular raid I don't
 16 recall.
 17 Q. So you might have spoken to a deputy chief or you
 18 might have spoken to an APA, is that correct?
 19 A. Correct.
 20 Q. Who was the deputy chief at that time?
 21 A. Brian Moody I believe.
 22 Q. Would there be any documentation of the
 23 conversations that you had with Deputy Chief
 24 Moody or an APA?
 25 A. Other than the review of the search warrant, but

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1 I don't even know if it was reviewed by them or
 2 someone else without looking at it.
 3 Q. Other than the warrant itself and the affidavit,
 4 there's no other documentation that you can think
 5 of?
 6 A. Not that I can think of.
 7 Q. Now, the exhibits you have in front of you which
 8 is, I think, 6, has the nuisance abatement
 9 statute which you mentioned, it contains the
 10 language of the nuisance abatement statute, is
 11 that right?
 12 A. Yes.
 13 Q. And you are familiar with that statute, is that
 14 right?
 15 A. Yes.
 16 Q. And you were familiar with it on May 31, 2008, is
 17 that correct?
 18 A. Yes.
 19 Q. What is it in that statute, what language in that
 20 statute, that you believe authorizes you to
 21 confiscate people's vehicles?
 22 A. You'd have to read it in its totality, but
 23 there's certainly a reference here to
 24 "buildings, vehicles, boats, aircraft" and
 25 there's a reference to "manufacturing,

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1 storing, possessing, transporting,
 2 sale, keeping for sale, giving away,
 3 bartering, furnishing or otherwise
 4 disposing of narcotic and/or hypnotic
 5 drug as defined by law or any" -- I
 6 don't know how to say that word
 7 "vinous, malt, brewed, fermented,
 8 spirituous or intoxicating liquor or
 9 any mixed liquors or beverages, any
 10 part of which is intoxicating in hereby
 11 declared a nuisance, and the furniture,
 12 fixtures and contents of any such
 13 building, vehicle, boat, aircraft or
 14 place and all such intoxicating liquor
 15 therein are also declared a nuisance
 16 and all such narcotic and/or hypnotic
 17 drugs and nuisances shall be enjoyed
 18 and abated as hereinafter provided..."
 19 Q. Okay.
 20 A. "... in the court rules."
 21 Q. Where does it say anything about confiscation or
 22 towing?
 23 A. That would probably apply to the part that's on
 24 the forfeiture paperwork provided by the Wayne
 25 County Prosecutor's Office.



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35 (Pages 134 to 137)

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1 Q. But the statute is the source that allows you to
2 confiscate the vehicle, is that right?
3 A. I don't know that this is the only source in the
4 statute or law. There is another excerpt. I
5 don't know if it's the same one or a different
6 one on the forfeiture paperwork and based on my
7 conversations with the Wayne County Prosecutor's
8 Office that the forfeiture of the vehicles,
9 because they were used to further the endeavor,
10 that they were to be seized.
11 Q. Anything that was used to further the endeavor
12 was to be seized, is that correct?
13 A. The vehicles, the vehicles were specified. We
14 could also seize, for instance, deejay equipment.
15 Q. And what vehicles were seized on that date, if
16 you know? Where were they located?
17 A. There were quite a few vehicles. There was some
18 in the parking lot, there were some on the
19 streets, there was some on the side street, could
20 have been located in or about that area.
21 Q. About that area meaning within what range of
22 distance?
23 A. Well, if you have cars strung out 100 yards, then
24 you may have them strung out a quarter mile down
25 the road. It would be based on where the people

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1 were exiting from those vehicles how far people
2 had to park away.
3 Q. Was there an instance in which you were advised
4 that there was a vehicle that was as far as half
5 a mile away, that somebody had driven a half a
6 mile away and then managed to get over to the
7 CAID location from there and that vehicle needed
8 to be confiscated as well?
9 A. Not that I recall.
10 DEPOSITION EXHIBIT 7
11 inter-office memo, 3-11-10
12 WAS MARKED BY THE REPORTER
13 FOR IDENTIFICATION.
14 Q. I've handed you what's been marked as Exhibit 7
15 and I'm going to ask you first of all if you can
16 identify this, have you seen it before, and then
17 take a moment to read it?
18 A. I don't recall seeing it before. It appears to
19 be an inter-office memorandum regarding a
20 citizen's complaint which I am the involved
21 officer, allegation for procedure and the
22 findings were exonerated.
23 Q. Right, and you never heard about this before?
24 A. I'm sure I did. It's a citizen's complaint.
25 Q. This involves a vehicle belonging to a Ms. Mobley

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1 I believe. Go ahead and read through it. Let me
2 know when you're done.
3 A. Okay, I've had a cursory look.
4 Q. Did you see that Mr. Mobley indicated that he had
5 parked his vehicle a half a mile away from the
6 location?
7 A. Can you direct me to it?
8 Q. Yeah, sure, under III, at the bottom of the first
9 paragraph, "The complainant stated the art
10 gallery was raided and the vehicle was parked a
11 half a mile away".
12 A. Okay.
13 Q. Do you remember ever being told that before
14 today?
15 A. If it was mentioned as part of the citizen
16 complaint, I don't recall.
17 Q. Do you recall at the time anybody saying, "Hey,
18 there's a guy here who says his car is half a
19 mile away, should we go get it"?
20 A. No, I do not recall.
21 Q. You don't recall that being brought to your
22 attention?
23 A. No.
24 Q. If you had been told someone had a vehicle that
25 was half a mile away, would you have authorized

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1 its confiscation and tow?
2 A. It would depend on the circumstances. If cars
3 were lined up bumper to bumper half a mile down
4 the street and they were all going to that
5 location, then that would be appropriate, but if
6 for say -- well, so half a mile could be
7 appropriate.
8 Q. Well, were cars parked bumper to bumper for a
9 half a mile from 5141 Rosa Parks down the road,
10 if you can recall?
11 A. I don't recall.
12 Q. They may have been, but you don't recall?
13 A. There were quite a few cars.
14 Q. How many? I have something that will help you
15 with this.
16 A. Okay.
17 DEPOSITION EXHIBIT 8
18 CRISNET report, 6-2-08
19 WAS MARKED BY THE REPORTER
20 FOR IDENTIFICATION.
21 Q. Can you identify Exhibit 8?
22 A. It's a Detroit Police Department CRISNET report
23 regarding impounded vehicles.
24 Q. And it starts at Vehicle 40 I believe, is that
25 right?

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36 (Pages 138 to 141)

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1 A. Yes.
 2 Q. And goes through to Vehicle Number 83 which means
 3 there were 43 vehicles that were impounded that
 4 night, is that right?
 5 A. Yes.
 6 Q. Did you ask every patron/loiterer who was
 7 processed at the CAID location as to whether or
 8 not they drove there in a vehicle?
 9 A. I didn't ask, no.
 10 Q. Did your crew ask that question?
 11 A. You'd have to ask them.
 12 Q. Were they instructed to ask that question?
 13 A. They were instructed to identify the vehicles
 14 that were driven to that location.
 15 Q. And in so doing -- withdraw that question.
 16 Once the vehicles were confiscated and
 17 towed were there still a lot of vehicles either
 18 in the parking lot or parked along the streets in
 19 the vicinity of the CAID?
 20 A. I don't believe so, no.
 21 Q. So if there were 43 vehicles that were
 22 confiscated and towed, does that sound to you
 23 like vehicles that would have been backed up for
 24 about a half a mile from the CAID location, 5141
 25 Rosa Parks?

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1 A. I certainly think it's possible. Depends on how
 2 they were parked.
 3 Q. If someone, in this case let's say Mr. Mobley,
 4 parked his car in his friend's driveway a half a
 5 mile away and walked from the friend's house over
 6 to the CAID and then was cited for loitering at
 7 the CAID, in your judgment as the commanding
 8 officer at that time --
 9 MS. GIAQUINTO: Objection, foundation
 10 and form.
 11 MR. GOODMAN: Let me finish the
 12 question.
 13 BY MR. GOODMAN:
 14 Q. In your judgment as commanding officer at that
 15 time would it have been appropriate and proper
 16 and within the guidelines of the nuisance
 17 abatement statute as you understood them to have
 18 confiscated and towed that person's vehicle?
 19 MS. GIAQUINTO: Objection, form and
 20 foundation.
 21 A. My problem with that question is you're asking me
 22 to speculate as to facts I don't know to be true
 23 and what I would have done in a given raid that
 24 was already conducted based on hypothetical
 25 information.

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1 Q. I'm asking you if you can answer hypothetically.
 2 If you can't answer that question, say you can't
 3 answer it.
 4 A. Well, I'm having trouble with a hypothetical
 5 intertwined with a raid that has occurred.
 6 Q. My hypothetical is assuming for the moment
 7 Mr. Mobley parked his car in a friend's driveway
 8 a half a mile away and then walked over to the
 9 CAID from there and then was issued a citation.
 10 Would his vehicle have been, in your
 11 judgment, one that was used to further the
 12 nuisance or was a part of the nuisance or the
 13 illegal activity?
 14 A. With only concerning that limited information you
 15 just gave me, probably not.
 16 Q. How do you define what is used in furtherance of
 17 a nuisance or an illegal activity as you
 18 referenced it before?
 19 A. It's based on whether that vehicle was involved
 20 in bringing someone to that location that
 21 resulted in an activity occurring.
 22 Q. So something that conveyed them to the location
 23 of the nuisance?
 24 A. Yeah, they brought the deejay equipment, they
 25 brought the individuals, they brought the

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1 patronage. Yes, they're used as a vehicle to get
 2 them to that location.
 3 Q. Inspector, did you see that a part of this
 4 Exhibit 7 which is the citizen's complaint
 5 included an interview with you?
 6 A. It said it did, yes.
 7 Q. Do you recall being interviewed?
 8 A. Honestly, no.
 9 Q. Do you know if the interview was recorded or not?
 10 A. I believe it was, but just because I think I just
 11 read that it was.
 12 Q. Is the synopsis of the interview with you as set
 13 forth in this exhibit, Exhibit 7, to the best of
 14 your knowledge accurate and correct?
 15 A. Which synopsis -- what part of this report are
 16 you referring to?
 17 Q. I'm now talking about Page 2 of the citizen's
 18 complaint where it says "Lt. Yost stated...".
 19 Turn the page -- here.
 20 A. Okay.
 21 Q. Is that an accurate recitation of what you said
 22 at the time to the investigator?
 23 A. I do not recall the interview, much less what was
 24 specifically stated therein.
 25 Q. Was the information stated therein, at least

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37 (Pages 142 to 145)

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1 purported in this document, accurate and correct
 2 as far as you can tell today?
 3 A. I don't recall the interview.
 4 Q. Well, are the things they report you as having
 5 said accurate as reported in this document?
 6 A. You want me to say that something is accurate
 7 when I don't remember having the interview? I
 8 can't do that.
 9 Q. Okay. Do you have any reason to believe that
 10 anything that is reported in this statement is
 11 inaccurate?
 12 A. I don't recall the interview.
 13 Q. So you can't say one way or the other, is that
 14 right?
 15 A. I don't recall the interview.
 16 Q. I understand you don't recall the interview, but
 17 there is a report of the interview that's set
 18 forth on this page.
 19 I'm saying does anything that is on
 20 this page as far as you can tell attributed to
 21 statements that you have made inaccurate?
 22 A. The reports making reference to statements I made
 23 for an interview I don't recall, and you want me
 24 to -- your question is -- I don't recall what the
 25 interview was.

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1 Q. It says here that "she..." that's you,
 2 "... stated that vehicles were seized under her
 3 direct order."
 4 Is that an accurate statement?
 5 A. I don't know if I said that to them or not.
 6 Q. I'm not now asking whether you said these things.
 7 I'm asking whether what's said is true, that
 8 vehicles that were seized were seized under your
 9 direct order?
 10 A. Yes.
 11 Q. So the statements that are -- I'm not asking
 12 whether you said these things. I'm asking you
 13 whether they are accurate or not, whether they
 14 are true or not?
 15 A. The statements plural?
 16 Q. Yes, that are attributed to you on this page.
 17 A. There's a lot that's attributed to me on this
 18 page.
 19 Q. That's right.
 20 A. And were we charged a cover, yes. Did I observe
 21 people with alcohol, yes.
 22 MS. GIAQUINTO: Let him ask questions,
 23 if he's asking a question.
 24 BY MR. GOODMAN:
 25 Q. All right, here's one.

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1 "Lt. Yost stated that as a result of
 2 the sale of alcohol not being allowed
 3 after 2 AM and location being an
 4 unlicensed establishment she notified
 5 the raid crew to execute the search
 6 warrant. The raid crew was shortly
 7 notified after 2:15 AM and they entered
 8 at approximately 2:20 AM."
 9 Is that accurate?
 10 A. As I previously stated, I don't recall who
 11 made the notification for the raid to go ahead,
 12 and my recollection was it was approximately
 13 2:30.
 14 Q. When did you give this statement to the citizen's
 15 complaint investigator for the OCI?
 16 A. Unless it says in here, I do not know.
 17 Q. At the top of the exhibit it says March 11, 2010,
 18 is that correct?
 19 A. It says what?
 20 Q. Turn to the front page.
 21 A. That's the date that the memorandum was
 22 generated, not necessarily the interview was
 23 conducted.
 24 Q. Right, correct, that's right, and so my question
 25 is the statement -- this is the date that the

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1 memorandum was prepared and the memorandum was
 2 prepared after presumably the investigator spoke
 3 with you, is that right?
 4 A. Right.
 5 Q. So that on or before March 11, 2010 your
 6 recollection of events from May of 2008 would
 7 have been fresher and better than they are today,
 8 is that right?
 9 A. They would have been fresher, yes.
 10 Q. Going back to the -- what we spoke about about
 11 the vehicles that were used in furtherance of
 12 concerning illegal activity, if someone had taken
 13 a taxi cab, let's say, to the CAID in your
 14 judgment would the taxi cab have been subject to
 15 confiscating or towing?
 16 A. No.
 17 Q. Why is that?
 18 A. The driver wasn't there, they're dropping off a
 19 passenger.
 20 Q. Well, let's say the passenger had said, "Pick me
 21 up at the CAID at 2:30" in the morning and the
 22 taxi comes back, would you seize that taxi cab?
 23 A. No.
 24 Q. And the reason is what?
 25 A. The reason is that they weren't inside, the

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38 (Pages 146 to 149)

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1 driver of the vehicle wasn't a participant.
 2 Q. Okay. And driver of the vehicle or the owner of
 3 the taxi cab had no knowledge one way or the
 4 other about illegal activity going on inside the
 5 CAID, isn't that right?
 6 A. I don't know what the driver of the hypothetical
 7 taxi cab would know or not know.
 8 Q. That's why you wouldn't have their vehicle towed,
 9 right, inspector?
 10 A. Excuse me?
 11 Q. Isn't that right?
 12 A. No, I don't know what you're asking me is right.
 13 MR. GOODMAN: Would you read the
 14 question back, please?
 15 (Record repeated as requested).
 16 A. I still don't understand.
 17 BY MR. GOODMAN:
 18 Q. What I'm saying is, the taxi cab drops a person
 19 off and then comes back to pick them up and you
 20 have no idea of whether the taxi cab driver or
 21 owner knows whether illegal activity is going on
 22 inside the CAID and that's why their vehicle
 23 would not be towed or confiscated?
 24 A. And that's part of it and in connection with the
 25 fact they weren't loitering inside where the

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1 at that time? He was commander of what?
 2 A. I don't know what time frame you're referring to.
 3 Q. Well, when you started at Vice Enforcement, the
 4 period you were at Vice Enforcement.
 5 A. I don't know if he was there when I came on or
 6 when I left. He was there at some point when I
 7 was at Vice Enforcement.
 8 Q. At that point what was his job?
 9 A. He was a commander over Narcotics.
 10 Q. How about Kevin Robinson?
 11 A. He was a lieutenant at Narcotics.
 12 Q. And the reason or the function that they had with
 13 reference to your activities at Vice Enforcement
 14 was supervisory in any way, either Robinson or
 15 Bray?
 16 A. I'm not sure about Lt. Robinson. Essentially
 17 whoever the commander at Narcotics would have
 18 been my direct report, unless there was some
 19 other direction that they designated someone else
 20 for me to report to.
 21 Q. Just one final brief area of questioning. When
 22 these citations were issued on May 31, 2008 as
 23 we've agreed that the charge of loitering in a
 24 place of illegal occupation is and was a
 25 misdemeanor at the time, is that right?

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1 activity was occurring.
 2 Q. But they did convey the person who was loitering?
 3 A. They could have.
 4 Q. And if they did, the reason that the vehicle is
 5 not confiscated is because of their lack of
 6 knowledge of any illegal activity going on?
 7 A. The fact -- well, their lack of involvement.
 8 Q. Let me take a break.
 9 (A recess was taken).
 10 Q. You mentioned before right at the beginning when
 11 you became the commanding officer of Vice
 12 Enforcement your -- the people immediately above
 13 you in the chain of command were, I think you
 14 said, Lt. Bray was it or Commander Bray?
 15 A. I don't know who was immediately in my chain of
 16 command when I went to Vice Enforcement.
 17 Q. The people who engaged -- who did your
 18 performance appraisals would have been Bray and I
 19 think --
 20 A. It could have been Bray, it was Commander -- he
 21 was my supervisor at one point.
 22 Q. Or Kevin Robinson you mentioned?
 23 A. Could it -- could have been other individuals as
 24 well.
 25 Q. Who was -- what was Commander Bray's job or role

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1 A. Yes.
 2 Q. The issuance of a citation means that the person
 3 to whom it is handed and given has to appear in
 4 court at some point on that charge, isn't that
 5 right?
 6 A. I think normally that would be the course, but
 7 there's exceptions to that.
 8 Q. What are the exceptions?
 9 A. I've had attorneys appear in lieu of their
 10 clients.
 11 Q. That's interesting, but I mean let's say that
 12 somehow a judge allows the attorney to appear in
 13 lieu of their client.
 14 Somehow it requires somebody to go to
 15 court, is that right?
 16 A. Unless a warrant is issued for their arrest
 17 because they failed to appear, but at some point
 18 somebody should go to court in conjunction with
 19 it, yes.
 20 Q. If somebody doesn't go to court, a warrant is
 21 going to be issued and they're going to be
 22 arrested, right?
 23 A. Ideally a warrant would be issued and they're
 24 arrested -- sometimes yes, sometimes no.
 25 Q. A warrant is going to be issued as a result of

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39 (Pages 150 to 153)

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1 which they could be arrested?
 2 A. A warrant would be issued, right.
 3 Q. By the way, is it your understanding that the
 4 ordinance that you were operating under at that
 5 time, that is loitering in a place of illegal
 6 occupation, has been changed since that date?
 7 A. Yes, it is.
 8 Q. How were you informed of that change?
 9 A. I don't specifically recall.
 10 Q. Were you consulted at all with regards to the
 11 change in language that was made on the
 12 ordinance?
 13 A. I had discussed it with city attorneys, but I
 14 don't know that it was a consultation.
 15 Q. What is your understanding of the change that's
 16 been effected in the ordinance since that time?
 17 A. That there has to be an intent to engage in the
 18 activity to be illegal occupation.
 19 Q. And did you change your practices once the
 20 ordinance was amended or changed?
 21 A. I'm not at Vice Enforcement.
 22 Q. Do you know if Vice Enforcement changed their
 23 activities afterwards, after this change in the
 24 ordinance?
 25 A. I know they're aware of the change, but there's

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1 A. It states that see attached activity log,
 2 Lt. Yost and Sgt. Buglo detached from PO
 3 McClendon and Johnson at 9:30.
 4 Q. What does "detached" mean?
 5 A. It means we weren't operating with them and we
 6 went off to do something different.
 7 Q. So is that why your surveillance activity is not
 8 referenced on this particular activity log?
 9 A. Yes, it indicates another activity log exists.
 10 Q. And is it your information that there's -- is it
 11 your information and belief there's another
 12 activity log?
 13 A. Based on this, yes.
 14 MS. GIAQUINTO: Thank you, no further
 15 questions.
 16 RE-EXAMINATION
 17 BY MR. GOODMAN:
 18 Q. Is there any reason whatsoever why that activity
 19 log should be unavailable that you can think of?
 20 A. Not that I'm aware.
 21 MR. GOODMAN: That's all.
 22 (The deposition was concluded at 2:48 p.m.,
 23 signature of the witness was not requested by
 24 counsel for the respective parties hereto)
 25

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1 not anybody currently assigned to Vice
 2 Enforcement that I know of.
 3 Q. No law enforcement officer at all is assigned to
 4 Vice Enforcement?
 5 A. Not that I'm aware of.
 6 Q. At the time that the ordinance was changed were
 7 there any law enforcement officers assigned to
 8 that unit?
 9 A. I don't know. I don't know specifically.
 10 MR. GOODMAN: Nice to meet you.
 11 MS. GIAQUINTO: I have one question.
 12 MR. GOODMAN: Oh, I'm sorry, I'm sorry.
 13 EXAMINATION
 14 BY MS. GIAQUINTO:
 15 Q. I want you to look at Exhibit 1 that we've marked
 16 as Exhibit 1. It is the Detroit Police
 17 Department activity log dated March 28 of 2008.
 18 And there was some questioning as to
 19 why your surveillance activities on that date was
 20 not referenced on this particular activity log.
 21 I want you to look at the miscellaneous
 22 information. Does that give you any -- does that
 23 refresh your recollection as to why your
 24 surveillance activity is not on this activity
 25 log?

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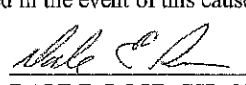
1 CERTIFICATE OF NOTARY
 2
 3 STATE OF MICHIGAN)
 4) SS
 5 COUNTY OF WAYNE)
 6 I, DALE E. ROSE, Certified Shorthand
 7 Reporter, a Notary Public in and for the above
 8 county and state, do hereby certify that the
 9 above deposition was taken before me at the time
 10 and place hereinbefore set forth; that the
 11 witness was by me first duly sworn to testify to
 12 the truth, and nothing but the truth, that the
 13 foregoing questions asked and answers made by the
 14 witness were duly recorded by me stenographically
 15 and reduced to computer transcription; that this
 16 is a true, full and correct transcript of my
 17 stenographic notes so taken; and that I am not
 18 related to, nor of counsel to either party nor
 19 interested in the event of this cause.
 20
 21 
 22 DALE E. ROSE CSR-0087
 23 Notary Public,
 24 Wayne County, Michigan
 25 My Commission expires: 7-15-12

EXHIBIT 4

Daniel Buglo
9/21/2011

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY MOBLEY, PAUL KAISER,
ANGIE WONG, JAMES WASHINGTON, NATHANIEL
PRICE, JEROME PRICE, STEPHANIE HOLLANDER,
JASON LEVERETTE-SAUNDERS, WANDA LEVERETTE,
DARLENE HELLENBERG, THOMAS MAHLER, and
LAURA MAHLER,

Plaintiffs,

Hon. Victoria A. Roberts
Magistrate Judge Mona K. Mazoub
No. 10-cv-10675

-vs-

CITY OF DETROIT, a municipal
corporation, Lieutenant VICKI YOST,
a Detroit police officer, in her
individual capacity, Sergeant DANIEL
BUGLO, a Detroit police officer, in his
individual capacity, Sergeant G. MCWHORTER,
a Detroit police officer, in his/her
individual capacity, Sergeant A. POTTS,
a Detroit police officer, in his/her
individual capacity, Sergeant CHARLES TURNER,
a Detroit police officer, in his individual
capacity, Officer M. BROWN, a Detroit police
officer, in his/her individual capacity, Officer
B. COLE, a Detroit police officer, in his/her
individual capacity, Officer TYRONE GRAY, a
Detroit police officer, in his individual
capacity, Officer SHERON JOHNSON, a Detroit
police officer, in her individual capacity,
Officer K. SINGLETON, a Detroit police officer,
in his/her individual capacity, and UNNAMED
DETROIT POLICE OFFICERS, in their individual
capacities,

Defendants.

DEPOSITION OF SERGEANT DANIEL BUGLO

WEDNESDAY, SEPTEMBER 21, 2011

Daniel Buglo

9/21/2011

2 (Pages 2 to 5)

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Page 4

1 Deposition of SERGEANT DANIEL BUGLO,
 2 taken in the above-entitled cause before Denise Moorfoot,
 3 (CSR-2275), Court Reporter and Notary Public for the County
 4 of Oakland, State of Michigan, at 660 Woodward, Suite 1650,
 5 Detroit, Michigan, on Wednesday, September 21, 2011, commencing
 6 at or about the hour of 10:10 a.m.
 7 APPEARANCES:
 8 MR. DANIEL S. KOROBKIN
 9 American Civil Liberties Union Fund of Michigan
 10 2966 Woodward Avenue
 11 Detroit, Michigan 48201
 12 -and-
 13 MR. WILLIAM H. GOODMAN
 14 MS. KATHRYN BRUNER JAMES
 15 Goodman & Hurwitz, P.C.
 16 1394 E. Jefferson Avenue
 17 Detroit, Michigan 48207
 18 Appearing on behalf of the Plaintiffs.
 19 MR. JERRY ASHFORD
 20 City of Detroit Law Department
 21 660 Woodward Avenue
 22 1650 First National Building
 23 Detroit, Michigan 48226
 24 Appearing on behalf of the Defendants.
 25

1 Detroit, Michigan
 2 Wednesday, September 21, 2011
 3 10:10 a.m.
 4 ---

DANIEL BUGLO

6 was thereupon called as a witness herein and, after
 7 having been first duly sworn to tell the truth, was
 8 examined and testified as follows:
 9 ---

10 MR. GOODMAN: The record will reflect that this
 11 is the deposition of Sergeant Daniel Buglo taken pursuant
 12 to Notice under the Federal Rules of Civil Procedure, for
 13 any and all purposes therein provided.
 14

EXAMINATION

BY MR. GOODMAN:

Q Sergeant, have you ever been deposed before?

A Yes, sir.

Q How many times would you say?

A Approximately two to three. I don't remember exactly.

20 Q Okay. Well, for the record, we have met off the record,
 21 but formally and officially on the record, my name is Bill
 22 Goodman. I'm one of the lawyers who represents the
 23 plaintiffs in this case, and I'm going to be asking you
 24 some questions; and given the fact that you have had your
 25 deposition taken before, I take it you know the ground

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1 rules generally, but I want to go over them with you just
 2 briefly here if you don't mind. Is that all right?

A That's fine.

4 Q First of all, I'll be asking questions. You'll be
 5 expected to answer questions. You're represented here
 6 today by Mr. Ashford, and if Mr. Ashford makes an
 7 objection, I want you to withhold your answer until the
 8 objection is stated on the record. Do you understand
 9 that?

A Yes.

11 Q Probably, after his objection is completed, you will be
 12 allowed to answer the question or complete your answer,
 13 and if at that point you need to be refreshed as to what
 14 the question was, the court reporter here, Ms. Moorfoot,
 15 can repeat it, can read it back for you, or I can repeat
 16 it or clarify it if you have any question about any
 17 question. Do you understand that as well?

A Yes.

19 Q And as you're doing, it's very important that you answer
 20 questions verbally so that we can get an accurate and
 21 complete record here. Sometimes people will nod and say
 22 mm-hmm and uh-uh, and those kinds of answers make for an
 23 unclear record, and I may have to remind you from time to
 24 time. If I do, I apologize in advance. I'm simply trying
 25 to clarify the record. Do you understand?

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3 (Pages 6 to 9)

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1 A Sure.
 2 Q Once again, if there is anything you don't remember,
 3 please say so. If there's anything you can't hear, please
 4 indicate that as well, and if there's anything that
 5 requires repetition or clarification in any way, you'll
 6 let me know, right?
 7 A Yes, sir.
 8 Q For the record, your full name is, sir?
 9 A Daniel William Buglo.
 10 Q And your date of birth?
 11 MR. ASHFORD: I'm going to object to that as
 12 being not reasonably calculated to lead to admissible
 13 evidence, the law enforcement privilege, and instruct the
 14 witness not to answer. He can tell you his age.
 15 BY MR. GOODMAN:
 16 Q All right. I think that's, just for the record, an
 17 improper invocation of the law enforcement privilege, but
 18 over and above objection, how old are you?
 19 A Forty-six.
 20 Q You're a Detroit police officer; is that right?
 21 A Yes, sir.
 22 Q In fact, you're a supervisor; you're a sergeant. Am I
 23 right about that?
 24 A Yes.
 25 Q How long have you been a law enforcement officer for the

1 right, sir?
 2 A No. When I first got promoted in February of '04, I was
 3 sent to the Tenth Precinct, and then approximately in
 4 March of '06 I was transferred to vice enforcement.
 5 Q So you're in vice enforcement from -- did you say March of
 6 '06?
 7 A March of '06 to sometime in '09. August of '09 I believe.
 8 Q So that complete time that you were -- The whole time you
 9 were at vice enforcement you were a supervisor. Am I
 10 right about that?
 11 A Yes.
 12 Q Now, before becoming a Detroit police officer, what was
 13 the training routine that you went through? What training
 14 did you receive?
 15 A You mean in the academy?
 16 Q Yes.
 17 A Basic academy training, defensive tactics, report writing,
 18 legal training, things of that nature. It's been a long
 19 time.
 20 Q How long was the course at the Detroit Police Academy?
 21 A I started on April 10th, and we graduated sometime in
 22 early August of '89. It's about four months.
 23 Q Four months, yeah. Okay.
 24 Before you became a sergeant in I think you said
 25 February of '04, had you applied for promotions before

Page 7

Page 9

1 City of Detroit?
 2 A Approximately twenty-two and a half years.
 3 Q Before that were you in law enforcement in any other
 4 capacity?
 5 A No.
 6 Q All right. And how long have you been a sergeant,
 7 Sergeant Buglo?
 8 A I got promoted in '04, so six years, seven, going on seven
 9 years.
 10 Q Okay. What's your current assignment with the DPD?
 11 A I'm a sergeant at the tactical mobile unit.
 12 Q How long have you been with TMU?
 13 A In October it will be a year. I was there as an officer
 14 before that for approximately fourteen years.
 15 Q What was your assignment before this present assignment
 16 with TMU?
 17 A I was a sergeant in the special operations unit at the
 18 Sixth Precinct.
 19 Q How long did you do that?
 20 A Approximately a year.
 21 Q And before that?
 22 A I was a sergeant at vice enforcement.
 23 Q And how long did you work in vice enforcement?
 24 A About three years.
 25 Q That whole time as a sergeant, as a supervisor; is that

1 that time?
 2 A I believe I did take one promotional test before that,
 3 possibly two, but at least one for sure.
 4 Q And when was that?
 5 A The first one?
 6 Q Yes.
 7 A I don't recall. Possibly '97, '98 maybe. I don't recall
 8 for sure the date. The second one would have probably
 9 been three to five years after that if I took two. I
 10 don't remember if I took two or three.
 11 Q Thank you, Sergeant.
 12 When you were assigned to vice enforcement, did
 13 you have an understanding at the time that you were
 14 assigned to vice enforcement as to what your job at vice
 15 enforcement would be?
 16 A I did have some knowledge of what their duties were. I
 17 knew they did liquor license enforcement, prostitution,
 18 blind pigs, illegal gambling, unlicensed businesses,
 19 things of that sort.
 20 Q And how did you arrive at that understanding? Was that
 21 just general chitchat within the department, or did you
 22 receive a briefing before you went there?
 23 A I think it was just from my experience on the department,
 24 how many years I had on and knowing what -- You've seen
 25 what vice did and having some contact with some of the

Daniel Buglo

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4 (Pages 10 to 13)

Page 10

1 people that had worked there in the past, I had a general
2 idea of what they did.
3 Q Were you ever briefed as to what the mission of vice
4 enforcement was either before you went to vice enforcement
5 or after you were assigned to it?
6 A I imagine my first week there, there was another sergeant
7 that had been assigned to vice, Sergeant Turner, who had
8 extensive vice experience. He was there as an officer for
9 many years, and then he got promoted I think before I did,
10 and he got sent back to vice as a sergeant, so working
11 hand in hand with him I was brought up to speed.
12 Q So basically on-the-job training through Sergeant Turner,
13 is that correct?
14 A And the other officers at vice, yes.
15 Q But you have singled him out, so I take it he was a major
16 source of your information?
17 A We were in the same office. We were both sergeants, so
18 most of the guidance came from him.
19 Q And having spoken with Sergeant Turner and whatever other
20 officers you spoke with, was your knowledge as to the
21 mission of the vice enforcement unit of the Detroit Police
22 Department enlarged?
23 A It's pretty much a complaint-driven unit. It's the
24 enforcement arm of the liquor license unit. Complaints
25 would come in on a daily basis to liquor license regarding

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1 make would be to liquor license or vice, and they'd give
2 up all their secrets, and we would go in and investigate
3 their complaint and handle whatever enforcement we came
4 across.
5 Q This is just speaking as a citizen of the City of Detroit,
6 but my understanding is there are a lot of these strip
7 clubs up and down Eight Mile Road. Am I right about that?
8 A I don't know if there's a lot.
9 Q There are a number of them?
10 A There's six or seven, sure.
11 Q And those, would you get complaints from adjoining law
12 enforcement officers or adjoining communities outside of
13 Detroit with regard to those places in particular or
14 others as well?
15 A I don't remember ever getting a complaint from an outside
16 jurisdiction about a strip club. We had a noise complaint
17 from a lady who lived across Eight Mile, I believe in
18 Warren, from a bar that was playing their music too loud
19 at the end of the night, and I guess they kind of spilled
20 out to the parking lot at closing time, and the bar was
21 called Eight Mile Run. And I don't remember the exact
22 location, but it was on Eight Mile. The complaint came
23 from a Warren citizen.
24 Q Now, when you -- Excuse me. I'm sorry. I interrupted. I
25 apologize.

Page 11

1 some of the topless clubs, prostitution going on in there,
2 illegal activities going on at various bars, if there was
3 a heavy area of prostitution. Maybe a precinct commander
4 would call and ask us to do some type of operation, but it
5 was mostly complaint driven, and on a daily basis we would
6 get complaint locations, and if it involved an undercover
7 operation, we would do that. If it involved putting one
8 of our girls out to do a prostitution operation, we would
9 do that. So the majority of it was complaint driven.
10 Q By "one of our girls," I take it you mean --
11 A Detroit police officers.
12 Q -- female Detroit police officer, correct?
13 A Yes, correct.
14 Q And going back to the complaint-driven aspect of your
15 operation, when you say complaint driven, do you mean
16 driven by complaints from neighbors, citizens, people who
17 live and work in the community?
18 A Yes. Some of them were from there.
19 Q And others were from other law enforcement officers?
20 A Others were from law enforcement officers. Others came
21 from -- There seemed to be a consistent amount of
22 complaints about the strip bars. A lot of those I think
23 were generated from employees that were at the strip bars
24 that would get fired for whatever reason. It seemed like
25 they would be disgruntled, and the first call they would

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1 When you arrived at vice enforcement, did you
2 receive any written materials, anything like that that
3 either described your operation or gave you assistance in
4 carrying out your duties as a vice enforcement Detroit
5 police officer?
6 A There's several I want to say code names of officers, of
7 streets, of descriptions of black male, white male, black
8 female, white female. There's a numeric system. I
9 believe I got kind of a cheat sheet of ordinances that are
10 vice specific, you know, things of that nature.
11 Q Let me ask you first of all about the designation of
12 people describing them by both race and gender. Is this
13 something that was specific or peculiar to the vice
14 enforcement unit, or was this common throughout the
15 department in terms of report writing? Let's start with
16 that.
17 A I have never used it in a report. I believe it generated
18 from narcotics. I don't know how many years ago. Like an
19 04 I believe is a black male and 04 plus I believe is a
20 black female if I'm remembering correctly, but those are
21 never used in a report. I believe it generated before we
22 had secure radio channels, and those were the codes that
23 were given over the channel; so if anyone would be
24 listening, I guess it would help to throw them off.
25 Q You understand we're here in connection with an incident

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5 (Pages 14 to 17)

Page 14

1 that occurred on May 31st, 2009, at a club or --
 2 MS. JAMES: 2008.
 3 BY MR. GOODMAN:
 4 Q 2008, excuse me. May 31st, 2008, at the institution known
 5 as the CAID. Do you remember that incident?
 6 A Yes.
 7 Q And we'll go through some of the reports, the CRISNET
 8 reports and PCRs for that incident, but I noticed that
 9 people were described as WF or WM, those kinds of
 10 designations in the reports themselves. Is that something
 11 that's peculiar to vice enforcement, or was that a
 12 designation that was department-wide in terms of report
 13 writing at that time?
 14 A Peculiar? It's not peculiar. It's common throughout the
 15 department.
 16 Q Throughout the Detroit Police Department?
 17 A Yes.
 18 Q Okay. Is it something that you're supposed to do when
 19 describing a person who you either have seen or
 20 encountered as a police officer, describe them both by
 21 race and gender in that way?
 22 A Yes, sir. It's a universal -- not universal -- but
 23 universal to our department. It's an accepted practice
 24 and accepted description.
 25 Q Thank you. Did you receive any specialized training on

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1 training along those lines?
 2 A Yes.
 3 Q And my question is: Can you recall receiving any such
 4 training?
 5 A At the academy level, I did.
 6 Q But after academy, can you recall that?
 7 A We have instituted a forty-hour block of training that's
 8 been in effect maybe for the last four years that every
 9 officer has to go through once a year, and it's covered in
 10 there, also.
 11 Q Had you had this training before the 2008 incident at the
 12 CAID?
 13 A I don't know if the forty-hour block was instituted at
 14 that time or not. It was probably right around that time
 15 that it got started.
 16 Q So whether you had been through that process before that
 17 raid or not, you can't recall at this time?
 18 A I can't recall. Correct.
 19 Q Okay. In connection with that training that you received,
 20 is one of the areas that is covered the question of when
 21 an officer has probable cause to make an arrest and when
 22 the officer does not have probable cause to make the
 23 arrest? Is that an area that you recall receiving this
 24 forty-hour block training in?
 25 A Yes.

Page 15

1 issues bearing on constitutional law when you became a
 2 supervisor in vice enforcement?
 3 A No.
 4 Q You did receive such training when you were at the
 5 academy, however; is that right, sir?
 6 A I would imagine so. I remember the legal class went for a
 7 week or two, so I'm sure it was covered. Specific
 8 recollection of it I don't have.
 9 Q And did you have any discussions, for example, with
 10 Sergeant Turner about constitutional law issues, people's
 11 rights, that kind of thing that you can recall?
 12 A I don't recall ever having that type of conversation, no.
 13 Q Or anyone else within vice enforcement?
 14 A As far as violating people's rights, I'm sure, if we were
 15 doing an operation or were doing something, we don't make
 16 it a practice to violate anybody's rights, so I think it's
 17 something a police officer is always aware of and tries to
 18 avoid it.
 19 Q Right. Thank you very much for that. That's helpful.
 20 But in terms of knowing what those rights are before you
 21 can decide whether you might be violating them or not, you
 22 have to have some kind of instruction or learning in that
 23 regard; is that right, sir?
 24 A That would be correct.
 25 Q And in order to have that, you would have required some

Page 17

1 Q But, again, whether you had that training prior to May
 2 31st, 2008 or not, you don't know; is that right, sir?
 3 A Correct.
 4 Q When you started in the vice enforcement unit in 2006, how
 5 many officers were assigned to that unit that you can
 6 recall?
 7 A I believe it was myself, Sergeant Turner, and only two
 8 other officers that had vice as their permanent
 9 assignment. They had a narcotics crew that would rotate
 10 in every twenty-eight days to help with the enforcement.
 11 Q So the narcotics crew would rotate in for a term of about
 12 twenty-eight days; is that what you're saying?
 13 A Yes, sir.
 14 Q And how large would that narcotics group be? How many
 15 members would you get from that?
 16 A It would be another sergeant and maybe seven to ten
 17 officers.
 18 Q Was there a commander of your unit in 2006 when you
 19 started at vice enforcement?
 20 A There was a commanding officer, Lieutenant Debra Fair at
 21 that time.
 22 Q How do you spell that?
 23 A D-E-B-R-A and then F-A-I-R.
 24 Q Is she still with the DPD?
 25 A Yes. She's a commander now with the DPD. She's since

Daniel Buglo

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6 (Pages 18 to 21)

Page 18

1 been promoted.
 2 Q And in 2009 who was the commanding officer of that unit at
 3 the time of the CAID raid?
 4 A Lieutenant Vicki Yost, Y-O-S-T.
 5 Q Is Lieutenant Yost still with vice enforcement as far as
 6 you know?
 7 A No. She is the acting inspector of the Eighth Precinct.
 8 Q When you were assigned to vice enforcement, were you
 9 regularly evaluated? Was your job performance regularly
 10 evaluated?
 11 A Yes. There's a service rating that goes once a year where
 12 we are evaluated.
 13 Q Who did your evaluation?
 14 A That would have been Lieutenant Fair and then subsequently
 15 Lieutenant Yost.
 16 Q What were the metrics, if you follow me, for determining
 17 whether you were doing a good job or not?
 18 A There's several categories on the sheet that we're rated
 19 on, resourcefulness, punctuality, knowledge. I don't
 20 remember all of them. If I had the form in front of me,
 21 it would probably help. The top score is a ninety, and
 22 like I said, there's probably ten different categories
 23 maybe.
 24 Q And is it fair to say that you consistently scored
 25 relatively high in this evaluation process?

Page 19

1 A I think my first two were probably in the mid eighties,
 2 but after maybe a year and a half, two years, I
 3 consistently had a ninety since then and currently.
 4 Q Were the number of arrests that you made in connection
 5 with your operations and duties ever taken into account in
 6 evaluating you?
 7 A There's a quality of work category, I believe, on there,
 8 but there is no quantity or, you know, there's no numbers,
 9 no quota or anything like that.
 10 Q Is there any record or document or computer system that
 11 keeps track of the number of arrests you make over a given
 12 period of time, let's say every year, if you know?
 13 A I think we're trying to set one up now with our MAS
 14 system, but I don't know if that's completely online, and
 15 I don't know if the supervisors are actually making
 16 entries of every arrest an officer makes, so I imagine you
 17 would have to go back. Officers fill out a monthly sheet.
 18 It's a tally sheet of what they have done for the month,
 19 and those are supposed to be kept in their personnel file;
 20 so I guess that would be the most accurate way to
 21 calculate the arrest totals.
 22 Q And the monthly tally sheets do keep track of the number
 23 of arrests that are made; is that correct?
 24 A Yes.
 25 Q And they keep track of the number of cars that are seized;

Page 20

1 is that correct?
 2 A On the regular officers' monthly sheets, there's a column,
 3 I believe, for vehicles investigated. I'm not positive if
 4 there's one for vehicles impounded.
 5 Q Is there a different tally sheet for vice enforcement than
 6 there is for other units within the department?
 7 A We did keep a daily tally sheet. There was a daily packet
 8 that we put together, and on the cover sheet it listed the
 9 enforcement that we did for that shift. And then there
 10 was -- I think there was a weekly stat report that was
 11 done, also, that kept a running year-to-date total of our
 12 activities.
 13 Q That would include numbers of people arrested; is that
 14 correct, sir?
 15 A People arrested, seizures, tickets written, yes, all that,
 16 those things. There were several categories on there.
 17 Q Were those tally sheets looked at in evaluating officers
 18 at the -- Withdraw that question.
 19 Was the tally sheet something that was used by
 20 the commanding officer in calculating the evaluation for
 21 given officers, including yourself, in vice enforcement?
 22 A I don't know if Lieutenant Fair specifically looked at
 23 that when doing it. She would have to answer that. I
 24 couldn't answer what her process was or what she used.
 25 Q What about Lieutenant Yost?

Page 21

1 A Lieutenant Yost probably did, knowing her personality. I
 2 can't say for sure, but just knowing her better than I
 3 know Lieutenant Fair, she may have. She would be more
 4 likely to.
 5 Q And what do you mean by that? What aspect of her
 6 personality are you referring to in that regard?
 7 A She was more hands on, more aggressive. She came out with
 8 the crew every now and then and actually worked with the
 9 vice crew.
 10 (Discussion off the record.)
 11 MR. ASHFORD: Can we go off the record for a
 12 moment?
 13 MR. GOODMAN: Surely.
 14 (Recess taken from 10:35 a.m. to 10:40 a.m.)
 15 BY MR. GOODMAN:
 16 Q We're sort of sidling up to what happened on May 31st,
 17 2008, but I want to ask you some general questions about
 18 your procedures and policies within vice enforcement
 19 before we get there.
 20 First of all, within vice enforcement, there's
 21 an operation known as a raid; is that correct?
 22 A That's correct.
 23 Q Is there a definition for a raid that you know of?
 24 A It's usually a forced entry of a location with a search
 25 warrant in hand, an execution of a search warrant.

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7 (Pages 22 to 25)

Page 22

1 Q That's how you would define it?
 2 A Yes, sir.
 3 Q And within the vice enforcement operation, that would be a
 4 location where there was certain kinds of activities going
 5 on, either after-hours drinking or illegal sales of
 6 alcohol or drug use or gambling or something like that; is
 7 that right, sir?
 8 A Yes.
 9 Q Are there, leading up to the raids themselves, operations
 10 that are known as review surveillance operations?
 11 A Yes. If we were looking at a place that we were going to
 12 execute a search warrant on, the general rule is to have
 13 three observations of illegal activity going in. If
 14 possible, we would send an undercover officer into the
 15 location as well. And we -- Go ahead.
 16 Q And what is the purpose of having, as you said, three of
 17 these undercover operations before the raid?
 18 A That was a standard that was set before I got there. I
 19 could speculate that it was to make sure that you were on
 20 solid ground of illegal activity actually going on and you
 21 didn't do an illegal search, an illegal raid or something
 22 that wasn't above board.
 23 Q Let me ask it this way: Usually, when you conducted your
 24 raids, it was once you had a warrant and once your unit
 25 had a warrant in hand; is that right?

Page 23

1 A The execution of the raid would be with a search warrant
 2 in hand, yes, sir.
 3 Q And in order to get a warrant, it's your understanding,
 4 I'm sure, that a police officer must fill out an affidavit
 5 as to certain kinds of activities that he has observed or
 6 knowledge that he has presented to a judge or magistrate
 7 in order to get the warrant signed; is that right?
 8 A Yes.
 9 Q Do you know one way or another whether the requirement of
 10 a warrant before a raid is conducted is a constitutional
 11 requirement or simply a requirement by statute or by
 12 custom? Do you have any idea one way or another about
 13 that?
 14 A I believe there are exigent circumstances where you could
 15 go in without a warrant in hand.
 16 Q Right. And I believe you're right as well, but my
 17 question is: Is the necessity of a warrant, if at all
 18 possible, one which is imposed by the Constitution or some
 19 other source of law, if you know?
 20 A I don't know.
 21 Q So that in your judgment as a law enforcement officer, the
 22 reason to engage in these undercover surveillance
 23 operations is to verify that there is illegal activity or
 24 an illegal occupation going on at a particular location.
 25 Am I correct about that?

Page 24

1 A Yes.
 2 Q Is it also to verify that a certain person is engaged in
 3 illegal activities or criminal behavior, if you know?
 4 A Are you asking if the search warrant could be specific for
 5 that for a specific person?
 6 Q No. Whether the undercover surveillance operation leading
 7 up to a search warrant and a raid is one which is engaged
 8 in, you know, in an attempt to identify certain people who
 9 are engaged in criminal activity, if you know.
 10 A I don't know. I haven't run across that.
 11 Q You engaged in such undercover surveillance operations --
 12 excuse me. You engaged in such review surveillance
 13 operations with regard to the CAID operation. Am I right
 14 about that?
 15 A Yes.
 16 Q And the CAID is located where if you can recall?
 17 A It's on 12th, I believe north of Warren. I don't remember
 18 the exact side street. It could be Bryant. I'm not
 19 positive. I know it's on 12th Street.
 20 Q If I told you it was 5141 Rosa Parks Boulevard, would that
 21 sound right to you?
 22 A Yes.
 23 Q And the cross street at Rosa Parks would be what?
 24 A I think it's Bryant, but I'm not positive.
 25 Q And were you involved in all three surveillance review

Page 25

1 undercover operations leading up to the CAID raid?
 2 A Yes.
 3 (Discussion off the record.)
 4 BY MR. GOODMAN:
 5 Q Before we mark certain documents as exhibits, have you
 6 reviewed anything before your testimony here today,
 7 Sergeant?
 8 A I did review two PCR's that I did and the search warrant
 9 that I was the affiant on.
 10 Q Anything else?
 11 A And I did -- There might be three. There may be three
 12 PCR's.
 13 Q Three PCR's?
 14 A Yes, there are three PCR's. One of them -- I did all three
 15 of the PCR's, and I reviewed them today.
 16 MR. ASHFORD: And the activity log.
 17 THE WITNESS: And the activity log is also in
 18 here.
 19 MR. ASHFORD: Search warrant.
 20 THE WITNESS: And the search warrant.
 21 BY MR. GOODMAN:
 22 Q Now, in order to just inform me as to what you have
 23 reviewed, you had to be reminded my Mr. Ashford of the
 24 number of documents you looked at; is that correct?
 25 A Correct.

Daniel Buglo

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8 (Pages 26 to 29)

Page 26

1 Q I take it from that that that means that you looked at
2 these documents just this morning before walking into this
3 deposition. Am I right about that?
4 A Yes.
5 Q You have not looked at them since the time that you wrote
6 them, or am I right about that?
7 A I may have reviewed them when I got served with the
8 lawsuit and read the lawsuit. I may have reviewed them.
9 I don't recall if I did or not.
10 Q Can I take a look at the documents you have reviewed,
11 please, sir? Thank you.
12 MS. JAMES: What's the third PCR? I thought you
13 said there was a third.
14 THE WITNESS: I think the third one is the list
15 of people that were written an ordinance violation.
16 BY MR. GOODMAN:
17 Q So is this the third PCR?
18 A Yes.
19 Q Well, so when you talk about a third PCR, what you're
20 really talking about is a document that we have also --
21 may also be identified as a CRISNET document. Am I right
22 about that?
23 A That's correct. The reason the CRISNET is different than
24 the first two PCRs, the CRISNET system can be accessed
25 pretty much by anybody in the department. So when we did

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1 our observations, we did them on the older PCR form so
2 they weren't able to be accessed by any other members of
3 the department.
4 Q What would be the down side of having them accessible by
5 any other member of the department?
6 A Unfortunately, some of our members frequent these places
7 or know people that frequent these places and are friends,
8 and they may try to warn them that something is coming, to
9 stay away.
10 Q So it's a security measure?
11 A Yes, sir. There's also a CRISNET on the impounded
12 vehicles that I reviewed. I did not enter that into the
13 system.
14 Q Well, we're going to go through all the CRISNETs. The
15 CRISNETs are numbered, and then at the end have a decimal
16 point and a point one, point two, and point three after
17 them; is that right?
18 A Correct.
19 Q But all three CRISNETs -- and we're going to get into all
20 of them, including the vehicle impoundment -- have the
21 same principal number. Am I right about that?
22 A Correct. It's a case number, and the dot one, dot two,
23 dot three after it just signifies that they are all part
24 of the same case, and there's several different reports
25 attached.

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1 Q Thank you, Sergeant. I'll give you your documents back.
2 Did you have any handwritten notes, by the way,
3 that you made during any of the operations that are
4 described in these PCRs and CRISNETs?
5 A I usually keep a pad of paper with me at all times. I
6 don't recall on the first observation when we saw people
7 walking in and I had a description of people that were
8 walking in and what they were walking in with. I imagine
9 I did write that down somewhere and then went back to the
10 office and typed it into the report, but I can't say for
11 sure, but that's usually my practice that I would jot that
12 down somewhere so I was accurate when transposing it into
13 the actual police document.
14 Q And where are those handwritten notes at this time?
15 A Garbage maybe. Maybe in a box somewhere. I don't know.
16 (WHEREUPON, Deposition Exhibit 1
17 was marked for identification.)
18 BY MR. GOODMAN:
19 Q I have had a document marked as Exhibit 1. Off the
20 record.
21 (Discussion off the record.)
22 MR. GOODMAN: I'm going to hand you what has
23 been marked as Buglo Exhibit 1, Sergeant. Jerry, do you
24 want your own copy?
25 MR. ASHFORD: I have it.

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1 BY MR. GOODMAN:
2 Q I want to ask you some questions about this, sir. Can you
3 identify this, first of all?
4 A That's a Preliminary Complaint Record that I completed on
5 -- it looks like Saturday, March 29th, at about 1:40 a.m.
6 would be when the activity was. I would have done the PCR
7 shortly thereafter.
8 Q Okay. And this is a preliminary complaint report which is
9 kept within your unit; am I right about that?
10 A Yes, sir.
11 Q And it's a report on, quote, blind pig activity, end
12 quote; is that correct, sir?
13 A Yes, sir.
14 Q And what do you mean by blind pig activity?
15 A I think the general definition is a place that served
16 alcohol after hours that is unlicensed. Sometimes there's
17 prostitution activity, gambling activity, things of that
18 nature.
19 Q And after hours would be after two a.m.; is that right,
20 sir?
21 A Yes.
22 Q So this indicates that you and Lieutenant Yost were
23 working in an undercover capacity; is that correct, sir?
24 A Yes.
25 Q And that simply means nonuniformed; am I right?

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9 (Pages 30 to 33)

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1 A Nonuniform, in an unmarked car, an undercover car.
 2 Q And how were you dressed at this time?
 3 A Plainclothes. In plainclothes, civilian attire.
 4 Q Was it a business suit? Was it blue jeans?
 5 A I believe blue jeans and probably a T-shirt.
 6 Q Yeah. And Lieutenant Yost, how was she dressed?
 7 A The same way.
 8 Q So casual undercover clothes, is that right?
 9 A Yes, sir.
 10 Q And you indicate that there had been a complaint of blind
 11 pig activity at the above address; is that right, sir?
 12 A Yes, sir.
 13 Q The above address being the 5141 Rosa Parks, correct?
 14 A Yes.
 15 Q And to whom was that complaint made, if you know?
 16 A I don't know who it was made to, but I got my information
 17 from Lieutenant Yost.
 18 Q Do you know who made the complaint?
 19 A No, I do not.
 20 Q Do you know whether she knew?
 21 A I don't know if she knew.
 22 Q Do you know if there's any documentation of the fact that
 23 a complaint was made about this particular location?
 24 A I cannot say specifically for sure if she had a flier or
 25 if she had notes, but I believe she did have something

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1 written about it with the information of what went on the
 2 last Friday of the month at the location.
 3 Q Right. And we'll get to that in just a moment, but what
 4 I'm indicating is not some general distribution, publicity
 5 as to what was going on at that location but an indication
 6 that someone had complained about illegal activity at that
 7 location.
 8 A I don't recall. She was really good about filling me in
 9 on things, and I don't recall if she gave me the
 10 specifics. She probably did, but I don't remember what
 11 they were or, in fact, if she did; but that would be her
 12 practice to fill me in on it, and I just don't remember.
 13 Q And whether or not the identity of the complainant is
 14 preserved somewhere, documented somewhere, can you say?
 15 A Depending on where it came from, if it was like a city
 16 council, an ombudsman complaint, a complaint that came
 17 through liquor license, those were kept on file. We got
 18 fliers in of illegal activity locations, you know, bars
 19 that may be having a special event or something like that.
 20 Those fliers, I don't know if she set up a folder for
 21 those or not. So not knowing the source of the complaint
 22 or how it came through, I'm not sure if it would be on
 23 file anywhere.
 24 Q Now, going to this particular date, which was March 29th,
 25 2008, do you know what day of the week this was?

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1 A It would have been -- We would have started the shift on
 2 Friday, and it would have went over into Saturday. We
 3 usually worked seven at night until three in the morning,
 4 so it bled into the next day.
 5 Q Do you remember that it was a Friday, or do you know that
 6 these particular events at this location always happened
 7 on Friday nights?
 8 A Our shift would have been that Friday, and our information
 9 was that the activity went on the last Friday of the
 10 month.
 11 Q And these were known as, quote, Funk Night, unquote; is
 12 that right?
 13 A Yes, sir.
 14 Q As advertised, what did you understand was to happen at
 15 Funk Night?
 16 A The information I had, that there was drinking going on,
 17 that they were charging a cover charge at the door to get
 18 in. They had security, and it went past two a.m. was the
 19 general information that I had.
 20 Q The event went past two a.m.?
 21 A Yes, sir.
 22 Q And the drinking went past two a.m.?
 23 A Yes.
 24 Q You had that information as well?
 25 A Yes.

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1 Q Any other illegal activity that you were informed of
 2 before you went there?
 3 A That's all I can remember.
 4 Q So once you and Lieutenant Yost got inside, can you
 5 describe the location both from the outside and then what
 6 it looked like once you got inside, if you can?
 7 A Well, the 29th we didn't go inside. We stayed outside.
 8 But the date that we actually went inside was on April
 9 26th.
 10 We went inside the door that was located on the
 11 north side of the building. I believe they had two
 12 security people there. We were patted down, and then we
 13 went into the actual building, and there was a table set
 14 up.
 15 Q You were patted down?
 16 A Yes, sir.
 17 Q Is it a regulation of the Detroit Police Department that
 18 officers are to carry a weapon at all times with them?
 19 A On duty, yes. Off duty, they recently changed it and made
 20 it optional to carry your weapon off duty, but on duty,
 21 yes, but there are exceptions for these type purposes.
 22 Q Officers who are working undercover are allowed to work
 23 without a weapon on them; is that what you're saying?
 24 A Yes. No weapon, no badge, no police ID. I had -- I
 25 believe we both had alternate identification provided from

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10 (Pages 34 to 37)

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1 the State of Michigan with different names.
 2 Q Let's go back to the first event now where you said you
 3 didn't go inside at all.
 4 A Okay.
 5 Q March 29, what did you do at that time?
 6 A We parked on the east side of 12th Street, which is Rosa
 7 Parks, directly across the street from the building and
 8 watched people go in, get out of their cars, pull up in
 9 their cars, get out, and go into the building.
 10 Q And how many people did you observe?
 11 A Going into the building?
 12 Q Yeah.
 13 A We probably stayed for a half an hour or so and probably
 14 fifteen to twenty, possibly more people pull up and go in.
 15 Q That's your recollection?
 16 A Yes, sir.
 17 Q Your PCR reports only two observations of people going
 18 into the building; is that correct?
 19 A No.
 20 Q Sorry.
 21 A It says writer observed several white males and females
 22 entering the location through the side door.
 23 Q Okay. And you believe that was fifteen or twenty people;
 24 is that right?
 25 A Yes, sir.

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1 Q You observed one white male enter his vehicle?
 2 A Exit.
 3 Q Exit, excuse me, exit his vehicle and conceal what
 4 appeared to be a fifth of liquor in his left front pant
 5 pocket; is that correct?
 6 A Yes, sir.
 7 Q And did that disclose to you illegal activity going on?
 8 A Yes.
 9 Q In what way?
 10 A I don't believe, in the City of Detroit, bringing your own
 11 liquor to an establishment, that it's not permitted.
 12 Q So you think there's a law against bringing liquor into
 13 any establishment in the City of Detroit?
 14 A No, not any establishment, but where they're paying a
 15 cover charge at the front door and bringing in liquor
 16 after hours is not above board or legal.
 17 Q At any rate, it was obvious to you that this particular
 18 individual was attempting to conceal the presence of this
 19 alcohol from people who were operating the location there
 20 on Rosa Parks Boulevard; is that right, sir?
 21 A It appeared so.
 22 Q And did you either arrest or attempt to arrest that
 23 particular individual?
 24 A No.
 25 Q And that's, because this was an undercover operation, you

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1 were trying to conceal your identify and presence; am I
 2 right?
 3 A Yes.
 4 Q You also observed a white female drinking from a beer
 5 bottle; is that correct?
 6 A Yes.
 7 Q And is that illegal for her to have been drinking from a
 8 beer bottle?
 9 A At that location?
 10 Q Yes.
 11 A Drinking in public like that, yes.
 12 Q But you did not arrest her, either; is that right?
 13 A Did not.
 14 Q For the same reason, in order to conceal your presence and
 15 your identity; am I right?
 16 A Correct.
 17 Q You smelled a strong odor of marijuana coming from a patio
 18 area where several persons were gathered; is that correct?
 19 A Yes.
 20 Q Again, you attempted no law enforcement action in terms of
 21 arrests at that time; is that right?
 22 A Yes.
 23 Q For the reasons that we have already mentioned, in an
 24 attempt to conceal your identity and presence; am I right?
 25 A Yes.

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1 Q You observed fifty to sixty vehicles parked in front of,
 2 on the side of, and in the parking lot north of the
 3 location; is that correct, sir?
 4 A Yes.
 5 Q Why is that pertinent that you observed those vehicles?
 6 A The proximity to the location, it kind of indicates how
 7 many people could be in the location. There's nothing --
 8 there's no other open businesses or anything else going on
 9 around there.
 10 Q Did the presence of the vehicles in and of themselves
 11 suggest any illegality, criminality here?
 12 A I don't know who owned the lot. They were parked on a
 13 vacant lot. They could have been parked there illegally,
 14 but without doing research of who owned the lot and
 15 whether or not they had permission to be on that lot, I
 16 couldn't tell you.
 17 Q So they could have been parked there perfectly legally?
 18 A Could have been, sir.
 19 Q Did you take down any license plate numbers?
 20 A No.
 21 Q Why not?
 22 A Didn't think to. I hadn't done that in the past. This
 23 was our first observation. We weren't doing any
 24 enforcement, so I didn't see a reason to take down any
 25 license plates.

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11 (Pages 38 to 41)

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1 Q You also in this report describe what you observed in
2 considerable detail. Do you agree with that?
3 A Yes.
4 Q For example, you mention that the man who exited his
5 vehicle and attempted to conceal what appeared to be a
6 fifth of liquor had the liquor not only in a pocket but in
7 his left front pocket which gives some detail for what you
8 observed at that time; is that right?
9 A Yes.
10 Q And the reason that you provided that kind of detail was
11 in order to record your recollection as best you could in
12 order to have an accurate and preserved recollection as to
13 what happened at that time and moment; am I right?
14 A Yes.
15 Q And that's what you're taught in terms of training with
16 regard to report writing, and that's what's expected of
17 you as a police officer and police supervisor with regard
18 to report writing; am I right, sir?
19 A Yes.
20 (WHEREUPON, Deposition Exhibit 2
21 was marked for identification.)
22 BY MR. GOODMAN:
23 Q I have now handed you what has been marked Buglo Exhibit
24 No. 2. Can you identify this, sir?
25 A Yes. It's a Preliminary Complaint Record that I completed

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1 on April 26th, 2008, approximately 2:30 in the morning.
2 Q And this describes your second undercover surveillance
3 review of this location on Rosa Parks Boulevard; am I
4 right?
5 A Yes.
6 Q And the name of the location was known as the Contemporary
7 Art Institute of Detroit or the CAID, right?
8 A Yes.
9 Q So if I refer to CAID as capital C, capital A, capital I,
10 capital D, you know what I'm talking about, right?
11 A Yes.
12 Q This was approximately a month since your last visit to
13 the CAID, that is, April the 26th; am I right?
14 A Yes.
15 Q And you were again dressed, and Lieutenant Yost was
16 dressed similarly to the way which you had been dressed in
17 March; am I right, sir?
18 A Yes.
19 Q This time you went into the CAID, and I think you have
20 already started to describe what happened. You said you
21 were patted down; am I right?
22 A Yes.
23 Q Who patted you down?
24 A A gentleman who was standing outside the door.
25 Q Can you describe him?

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1 A I believe he was a white male, heavysset, had some facial
2 hair. He was bald.
3 Q Okay. Can you describe that facial hair?
4 A It was a goatee fashion.
5 Q Chin goatee, right?
6 A Yes. I'm refreshing myself with my report here.
7 Q And his age?
8 A About thirty to thirty-five.
9 Q And the way you know that is because you recorded it at
10 the time in your PCR; am I right?
11 A Yes.
12 Q You wouldn't remember that without having the PCR here to
13 refresh your recollection, though, would you?
14 MR. ASHFORD: Remember what?
15 BY MR. GOODMAN:
16 Q The details of this man's physical description.
17 A I believe I remember the heavysset and the baldness, maybe
18 not so much the chin, you know, the facial hair, but, I
19 mean, I can almost picture him now vaguely. So a general
20 -- not as in depth as this was after it happened.
21 Q What I'm asking, I guess, another way of asking, the
22 reason and the importance of writing down details as to
23 what occurred is so that you can have a good recollection
24 later for testifying in hearings such as this or in other
25 hearings as to what happened; is that right, sir?

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1 A Yes.
2 Q And that's important from a law enforcement perspective.
3 Do you agree with that?
4 A Yes.
5 Q Now, your report indicates that you paid a five-dollar
6 cover charge; am I right?
7 A Yes.
8 Q And this was to the same gentleman who frisked you?
9 A Yes.
10 Q Did this gentleman frisk Lieutenant Yost, by the way?
11 A I don't recall.
12 Q Then it says you paid three dollars each for a one-month
13 membership; is that right, sir?
14 A Yes.
15 Q So both you and Lieutenant Yost paid three dollars and
16 became members of the CAID; am I right?
17 A I don't know if we became members of the CAID or members
18 of whatever this was to get in the last Friday of the
19 month, but it was -- everybody that came in, I believe, it
20 was three dollars for the monthly membership, and there
21 was another fee for I think a yearly membership. I don't
22 recall what that was.
23 Q But you became a member of something?
24 A Yes, sir.
25 Q Once you had your membership, were you given something to

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12 (Pages 42 to 45)

Page 42

1 indicate that you're a member, a card or anything like
2 that?
3 A I don't recall specifically. I want to say we did, but I
4 don't recall specifically. I know we had to show a
5 picture ID, and I don't know if we got anything in return
6 for the three dollars. I don't remember specifically.
7 Q And you have already indicated that the ID you showed was
8 a false ID provided to you as a law enforcement officer by
9 the State of Michigan; is that right, sir?
10 A Yes.
11 Q So it had a false name and a false address on it; am I
12 right?
13 A Correct.
14 Q And I assume that Lieutenant Yost had the same thing; is
15 that right, sir?
16 A She did.
17 Q Did they at the CAID photocopy your false ID?
18 A I don't believe so. I believe there was some computer --
19 he had a laptop, and something was entered into a
20 computer. I don't recall him making a copy.
21 Q Then your report indicates that you approached the bar and
22 observed beer on tap and wine, boxed wine for sale; is
23 that right?
24 A Yes.
25 Q And how did you know it was for sale?

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1 A There were people in front of us that were getting cups of
2 beer and cups of wine, and there was a money exchange
3 between them and the bartender.
4 Q So you observed commercial transactions going on involving
5 the payment of money for alcoholic beverages; is that
6 right, sir?
7 A Yes.
8 Q And over what period of time did you observe that activity
9 going on?
10 A From the time we walked in to the time we stood in line, I
11 imagine it would have been ten to fifteen minutes
12 approximately.
13 Q And what time did you walk in?
14 A My report says one a.m., which probably would have been
15 right. I don't know why it wouldn't.
16 Q Now, at that point, had you observed anything illegal
17 happening?
18 A At one a.m. when we first went in?
19 Q Yes.
20 A Besides the sale of the alcohol, I believe that was the
21 only illegal activity we saw or I saw.
22 Q What was unlawful about the sale of the alcohol?
23 A They don't have a liquor license.
24 Q How did you know that?
25 A I believe -- I'm only speculating here, but I believe

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1 either Lieutenant Yost or myself called liquor license
2 after the first observation that we did of the place. I
3 don't recall which one of us called or which member called
4 liquor licensing to find out if the address had a liquor
5 license attached to it.
6 Q And when you say liquor licensing, do you mean the
7 Michigan Liquor Control Commission or do you mean the City
8 of Detroit?
9 A City of Detroit.
10 Q A separate department or the police department?
11 A It's a unit within the police department, liquor licensing
12 unit.
13 Q Thank you. And how much was the cup of beer selling for?
14 A Three dollars for one.
15 Q And who was serving the alcohol or the wine?
16 A A white female was behind the bar with blonde hair.
17 Q Which was shoulder length?
18 A Yes. I could read the description from the report if you
19 would like.
20 Q No. But do you recall as her being white?
21 A Yes.
22 Q Is your recollection refreshed by looking at this police
23 report?
24 A Yes, it is.
25 Q And she also had a tattoo on her left wrist; is that

Page 45

1 right?
2 A Yes.
3 Q Again, a detail which you can recall now by refreshing
4 your recollection through the police report; am I right?
5 A Right.
6 Q And the same is true as to what the tattoo was of, which
7 was of Chinese letters; am I right about that?
8 A Yes.
9 Q What did you do then after standing at the bar for ten or
10 fifteen minutes?
11 A Walked around the location, the property, the outside, the
12 inside.
13 Q Was there live music?
14 A Yes.
15 Q Do you remember the name of the band?
16 A I do not.
17 Q Did you ever know the name of the band?
18 A You know what? I'm deeply into alternative music and
19 local music, and if I heard their name, possibly I could
20 remember, but I don't at the time.
21 Q There was a fenced outside yard that's described in your
22 PCR. Do you see that?
23 A Yes.
24 Q South of the building, right?
25 A Yes.

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13 (Pages 46 to 49)

Page 46

1 Q Was that the same patio that was described in your first
2 PCR from March 29th?
3 A Yes.
4 Q And what happened? Did you go out into that patio or that
5 yard?
6 A Yes, we did.
7 Q Can you describe that series of events, please?
8 A There was a couple of picnic tables set up out there.
9 There was people mingling around. It was a nice night,
10 several people sitting at the picnic tables. Myself and
11 Lieutenant Yost talked to several people. We eventually
12 sat down at one of the tables, and a gentleman pulled out
13 a baggie of what looked like marijuana and rolled some
14 marijuana cigarettes, passed them around to the people at
15 the table.
16 Q Did he offer them to you and to Lieutenant Yost as well?
17 A Yes.
18 Q Did you partake of marijuana?
19 A No, I did not.
20 Q Did she? Did Lieutenant Yost?
21 A No, she did not.
22 Q Is that forbidden as a part of an undercover operation,
23 not to use intoxicants in any way?
24 A Well, alcohol could be considered an intoxicant, I guess.
25 I did drink the beer, but I did not partake of the

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1 marijuana. That is illegal for police to do that, drugs.
2 Q And how many beers did you drink?
3 A I drank all of mine, and I believe I drank part of hers.
4 Q "Hers" being Lieutenant Yost?
5 A Lieutenant Yost, yes. She didn't like the taste of it at
6 all. I didn't mind it.
7 Q You observed several people with cans of beer, liquor
8 bottles, and soda containers; is that right, sir?
9 A Yes.
10 Q As far as you were concerned, was there anything unlawful
11 about the cans of beer, liquor bottles, or soda
12 containers?
13 A Well, I didn't see a license, a liquor license posted, and
14 the research showed they didn't have one, so being in
15 there with their alcohol --
16 Q I'm sorry. Go ahead. You can finish.
17 A -- in an unlicensed facility would have been illegal.
18 Q Do you know whether the cans of beer, liquor bottles, or
19 soda was purchased at the CAID?
20 A I do not know if it was purchased there. I didn't see any
21 liquor or anything canned or bottled for sale.
22 Q Do you know whether the marijuana was purchased at the
23 CAID?
24 A I do not.
25 Q Did you see any transactions in which marijuana was sold

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1 while you were there on April 26th or 25th?
2 A No. We did obtain the name of a person who was usually at
3 the function. I believe it was a younger black male who
4 carried a backpack. I don't recall what his name was, but
5 we were told that he would sell marijuana and I believe
6 mushrooms if approached, but I didn't observe him there at
7 the time.
8 Q Do you know who told you that?
9 A I believe it was Dan, the guy that was rolling the
10 marijuana. If not him, it was somebody at the picnic
11 table.
12 Q But you never verified that one way or the other; is that
13 right?
14 A No. I never saw the black male matching that description,
15 and he wasn't there as far as the patrons I talked to. He
16 wasn't there at the time that we were there.
17 Q Did you see any or experience any alcohol being sold after
18 two a.m.?
19 A I want to say that we purchased another beer after two, or
20 our first purchase was after two, but I'm not positive.
21 Well, my report here says I purchased another beer at
22 about 2:20, so at 2:20 I did purchase another beer from
23 the bar.
24 Q And based upon that purchase, were you able to conclude
25 that there was illegal or criminal activity going on at

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1 the bar?
2 A Serving alcohol after two is illegal.
3 Q So you purchased a beer at 2:20. Did Lieutenant Yost also
4 purchase another beer at 2:20?
5 A No, she did not.
6 Q Did you consume that beer?
7 A I believe I took a couple sips out of it, and I don't
8 believe I finished it.
9 Q And then ten minutes later you observed approximately --
10 Withdraw that question.
11 You left the CAID about ten minutes after you
12 purchased the beer which would have been at 2:30; am I
13 right?
14 A Yes.
15 Q And you observed ten people standing in line,
16 approximately ten people standing in line outside the door
17 waiting to get in; is that right?
18 A Yes.
19 Q And, again, you note that vehicles were pulling into the
20 location's parking lot as you drove off; is that right?
21 A Yes.
22 Q How many vehicles did you observe in the parking lot that
23 night, if you can recall?
24 A I don't recall.
25 MR. ASHFORD: Off the record a moment.

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14 (Pages 50 to 53)

Page 50

1 (Discussion off the record.)
 2 BY MR. GOODMAN:
 3 Q Now, again, that night you observed a series of illegal
 4 actions in and around the CAID when you were out there,
 5 and by "that night" I'm referring to April 26th, 2008, and
 6 April 25th; is that right, sir?
 7 A April -- Yes. I believe it all occurred on the 26th. It
 8 was after midnight.
 9 Q It was after midnight. So everything, your arrival there
 10 and the whole situation that is observed and recorded in
 11 Buglo Exhibit No. 2 occurred on April 26th, 2008, correct?
 12 A Yes.
 13 Q And I think you have agreed there were a number of illegal
 14 actions that happened; is that right?
 15 A Yes.
 16 Q And you made no arrests; is that right?
 17 A Correct. We did not.
 18 Q And other than the name, quote, Dan, unquote, you made no
 19 identification of anybody who was engaged in illegal
 20 activity. Am I right about that?
 21 A By name, that's correct.
 22 Q Did you observe, when you went into this location, the
 23 CAID, on April 26th, the same people that you had observed
 24 there when you had been there a month -- approximately a
 25 month earlier on March 29?

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1 A The only one that looked the same would have been the
 2 doorman, the person working the door. We didn't go inside
 3 the first time so --
 4 Q I'm sorry.
 5 A So, no, the only one I would have recognized would have
 6 been the doorman. I didn't see a bartender or any other
 7 people from outside.
 8 Q But you did see people on March 29th outside the building;
 9 you saw individuals who were going into the building,
 10 coming out of the building. Am I right about that?
 11 A Yes.
 12 Q You mentioned fifteen to twenty approximately, at least;
 13 is that right, sir?
 14 A Yes.
 15 Q And were you able to observe, while you were in the CAID
 16 on April 26th, any of the same individuals that you
 17 observed on March 29th, if you know?
 18 A No, I do not know.
 19 Q So is it fair to say that upon your return a third time to
 20 the CAID, you had no indication whatsoever that any of the
 21 same individuals who had been in there on March the 29th
 22 and on April the 26th would be in there if you were to
 23 return a month later; am I right?
 24 A Did I know if the same people would be there?
 25 Q Yes.

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1 A No, I did not know if the same people would be frequenting
 2 that night as a month prior.
 3 Q And even besides knowing it, you had no indication or
 4 evidence that there would be any of the same people there,
 5 did you?
 6 A Did not.
 7 MR. GOODMAN: Would you mark this as Exhibit No.
 8 3.
 9 (WHEREUPON, Deposition Exhibit 3
 10 was marked for identification.)
 11 BY MR. GOODMAN:
 12 Q Sergeant Buglo, I have handed you what has been marked
 13 Buglo Deposition Exhibit 3. Can you identify that, sir?
 14 A It looks like a Detroit Police Department Activity Log
 15 from March 28th, 2008.
 16 Q Is this your activity log?
 17 A This is mine and my crew's activity log.
 18 Q This would be for March 28th, 2008; is that correct?
 19 A Yes.
 20 Q And what shift would that be?
 21 A It looks like we started at three. It would be three to
 22 eleven. No. Three to three we got off duty, so we must
 23 have been on overtime.
 24 Q So this shift extended into March the 29th; is that
 25 correct?

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1 A Correct.
 2 Q And, therefore, this activity log should record -- Well,
 3 withdraw that.
 4 What is an activity log, and what is it supposed
 5 to report?
 6 A It's supposed to record the activities and the enforcement
 7 actions that were taken during the tour of duty listed.
 8 Q And your name and your signature are both attached to this
 9 activity log; is that right?
 10 A That's correct.
 11 Q Now, do sergeants routinely have activity logs in the
 12 Detroit Police Department that document their activity
 13 over any particular shift?
 14 A Yes.
 15 Q Every particular shift that they work?
 16 A Patrol sergeants do have an individual activity log.
 17 Entities like narcotics and vice, they do what's called a
 18 crew activity log where the whole crew is on one log.
 19 Q So that's what we're looking at here in Buglo Exhibit 3;
 20 is that right, sir?
 21 A Yes.
 22 Q And is there a crew activity log, in your experience, for
 23 every shift that you work as a -- or worked as a
 24 supervisor within the vice enforcement unit?
 25 A The majority of the time there is. If you're like on the

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15 (Pages 54 to 57)

Page 54

1 street, there would be. If you're, say, assigned out to
 2 work the Tiger game or a different detail, something like
 3 that, you may not have an activity log. You would just be
 4 carried as assigned out. You wouldn't have to do an
 5 activity log.
 6 Q And this log is supposed to record anything of any
 7 significance that you do as a law enforcement officer
 8 during that period of time; am I right?
 9 A Yes.
 10 Q Now, I note here that there appears to be, anyway -- and
 11 you can tell me whether I'm right or wrong about it.
 12 There's no indication of the undercover review
 13 surveillance that you did at the CAID on March 29th; am I
 14 right?
 15 A No, there does not appear to be. It is not, in fact,
 16 listed on there.
 17 Q Can you explain that?
 18 A We worked a Tiger ball game that day, and Lieutenant Yost
 19 and I would have broken away from the crew while they
 20 caught the paperwork up towards the end of the night, so
 21 we would have went out and did this observation. It
 22 should have been -- technically, it should have been
 23 listed on the activity log. The officer that did the
 24 activity log was probably Officer Johnson, and it was left
 25 off. Why it was left off, I couldn't tell you, but on the

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1 Q Because, in each instance, these events occurred only on
 2 the last Friday of every month as you understood; is that
 3 correct, sir?
 4 A Yes.
 5 (Discussion off the record.)
 6 (WHEREUPON, Deposition Exhibit 4
 7 was marked for identification.)
 8 BY MR. GOODMAN:
 9 Q Okay. I've handed you what has been marked as Buglo
 10 Exhibit No. 4. Can you identify that, sir?
 11 A It's a Detroit Police Department Crime Report.
 12 Q And this is what we have referred to earlier in this
 13 deposition as a CRISNET; is that right?
 14 A Yes, sir.
 15 Q And there is a point one at the end of the report number;
 16 is that right?
 17 A Correct.
 18 Q Which indicates that there may be more than one segment or
 19 section to this crime report; is that right, sir?
 20 A Yes.
 21 Q Is the third surveillance review that you did reflected or
 22 indicated anywhere in this report?
 23 A No, it's not. Maybe it is.
 24 Q If I can refresh your recollection, I'll ask you to turn
 25 to page 7, the last page.

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1 cover sheet that was done at the end of the night, it may
 2 be listed on there, but I'm not positive, but it should
 3 not have been left off.
 4 Q I think you have indicated earlier that as a general
 5 proposition you attempted three undercover surveillance
 6 review sessions before you undertake a raid itself; is
 7 that right, sir?
 8 A Not necessarily undercover so far as an officer entering
 9 in, but three observations of the location.
 10 Q Was that done in the case of the CAID?
 11 A Yes.
 12 Q What were the three dates?
 13 A The first date was Lieutenant Yost and I sitting outside
 14 in the undercover vehicles. The second one would have
 15 been --
 16 Q Which would have been March 29th?
 17 A Correct.
 18 Q The second one?
 19 A The second one would have been the April 26th where we
 20 actually entered it. The third one would have been the
 21 night of the execution of the search warrant.
 22 Q Which was May 31st; is that right?
 23 A I believe so.
 24 Q May 30th and May 31st, is that right, sir?
 25 A Yes.

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1 A Yes, I just turned to page 7 and saw that it is.
 2 Q So it is recorded and reflected there; is that correct?
 3 A Yes.
 4 Q And that indicates what happened by way of your undercover
 5 surveillance aspect of this operation. Describe it,
 6 please.
 7 A Describe what happened?
 8 Q Yes.
 9 A Lieutenant Yost and I entered the location to make sure
 10 that there was still illegal activity going on. If there
 11 was not illegal activity going on, then the search warrant
 12 would not have been executed. We paid our five-dollar
 13 cover charge. We paid a three-dollar membership fee
 14 again. We observed a bunch of people inside the location,
 15 and we purchased -- I purchased a cup of beer for four
 16 dollars, and we roamed about the -- walked around the
 17 location.
 18 Q Okay. And you were dressed in an undercover capacity; am
 19 I right?
 20 A Yes.
 21 Q And can you describe that again?
 22 A I would have been in blue jeans and some type of either
 23 long-sleeve or short-sleeve shirt depending on the
 24 weather. I imagine I was in short sleeves.
 25 Q And the lieutenant?

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16 (Pages 58 to 61)

Page 58

1 A The same way.
 2 Q Now, did you observe any illegal activity going on while
 3 you were in the CAID location?
 4 MR. ASHFORD: Objection, asked and answered.
 5 Well, maybe not. Go ahead. I'm sorry. Withdraw that
 6 objection.
 7 BY MR. GOODMAN:
 8 Q Over objection anyway, would you please answer?
 9 A I did purchase a cup of beer from the same person that was
 10 there a month prior.
 11 Q Who was that person?
 12 A The white female with the shoulder-length hair.
 13 Q Shoulder-length blonde hair?
 14 A And the Chinese writing on her -- I believe it was her
 15 left wrist.
 16 Q Tattoo?
 17 A Yes, sir. And the odor of marijuana was pretty prevalent,
 18 also.
 19 Q Is that recorded anywhere in this document you have before
 20 you which is Buglo Exhibit 4?
 21 A Is what recorded?
 22 Q Your observation that marijuana was being ingested.
 23 A Just the odor. I smelled it. I did not -- It is not
 24 written in this portion of the report.
 25 Q You just recall it but didn't write it down at the time;

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1 is that right, sir?
 2 A Yes, sir.
 3 Q Go ahead.
 4 A And the purchase of the alcohol, the cover charge.
 5 Q What was illegal about the cover charge?
 6 A I believe charging members to get into a location and
 7 serving alcohol for sale is illegal in the City of
 8 Detroit.
 9 Q So it would be illegal for the operator of the CAID to
 10 have charged the cover charge; is that correct?
 11 A If the purpose is to come in to drink, I believe so. I'm
 12 not positive.
 13 Q You don't know what the law would be that makes that
 14 illegal?
 15 A I'd have to do research to get you the specific answer.
 16 Q As you sit here, you don't know; is that right, sir?
 17 A Correct.
 18 Q Do you know one way or another whether there is such a
 19 law?
 20 A Not firmly.
 21 Q Okay. So you can't answer that question since you don't
 22 have firm knowledge; is that right, sir?
 23 A Correct.
 24 Q And I think you said you saw alcohol being served; is that
 25 correct, sir?

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1 A Served and consumed.
 2 Q And consumed and paid for; is that right, sir?
 3 A Yes.
 4 Q And is that an illegal act as far as you know?
 5 A To offer alcohol for sale in an unlicensed establishment?
 6 Yes.
 7 Q And that, again, would be an illegal act on the part of
 8 the operator of the CAID; is that correct, sir?
 9 A Yes.
 10 Q And of the bartender, the blonde woman with the
 11 shoulder-length hair, right?
 12 A Yes.
 13 Q What about the person purchasing the beer or the alcohol?
 14 A If it's after two a.m., it would be.
 15 Q But before two a.m., would there be anything on its face
 16 unlawful about buying alcohol in an establishment simply
 17 because that establishment does not have a license to sell
 18 such alcohol as far as you know?
 19 A Yes.
 20 Q And what would that -- How would that be illegal?
 21 A Selling alcohol by an unlicensed establishment?
 22 Q I'm talking about the purchase, not the sale.
 23 A Oh, the purchase?
 24 Q Yeah.
 25 A Well, it's an unlicensed liquor license establishment, so

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1 the alcohol shouldn't be for sale at all. Whether the
 2 patron knows it's illegal or not I guess would be on the
 3 patron.
 4 Q You're saying that on its face it would be, as a law
 5 enforcement officer and one who for a period of three
 6 years engaged in vice enforcement, it would be a basis for
 7 arresting someone if you saw them purchase alcohol in a
 8 location where there was no liquor license regardless of
 9 whether there was any evidence as to whether that customer
 10 knew the facility was licensed or not; is that correct,
 11 sir?
 12 MR. ASHFORD: Objection to the form.
 13 BY MR. GOODMAN:
 14 Q Go ahead.
 15 A I know it's illegal. Whether or not the patron knows it's
 16 illegal or should know it's illegal, I can't answer that
 17 for them, but I could still issue them a valid ordinance
 18 violation.
 19 Q Based on what?
 20 A Being in a place of illegal occupation.
 21 Q That would be the loitering. A number of people were
 22 issued citations that night; is that right?
 23 A Yes.
 24 Q And they were all for loitering; is that right?
 25 A The majority of them were. I think that there was a

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17 (Pages 62 to 65)

Page 62

1 couple for engaging in a place of illegal occupation, but
 2 the majority were for loitering.
 3 Q All right. We'll get to that in a moment.
 4 And are you saying that the illegal activity
 5 would be loitering in a place that is unlicensed to sell
 6 alcohol where there are alcohol sales going on regardless
 7 of whether there's any evidence that person knew or did
 8 not know that the establishment was licensed? Is that
 9 your statement?
 10 MR. ASHFORD: Objection, asked and answered.
 11 MR. GOODMAN: I don't think so.
 12 BY MR. GOODMAN:
 13 Q Over objection, please.
 14 A Yes.
 15 Q Going to the top of what has been -- the first page of
 16 what has been marked Buglo Exhibit 4, the first paragraph
 17 states, quote, "On the above date and time, vice
 18 enforcement, narcotics code 3025 and 2913 and tactical
 19 mobile, district executed a search warrant number 08001827
 20 on 5141 Rosa Parks Boulevard with the following
 21 enforcement actions:" And then there's a whole series of
 22 enforcement actions that are described. First of all,
 23 what is code 3025, sir?
 24 A That's a narcotics crew code. That would be the sergeant
 25 and whatever officers are assigned under him, that would

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1 A It's the Central District.
 2 Q For a moment, I want to go -- We'll come back to this, but
 3 I want to mark another exhibit.
 4 (WHEREUPON, Deposition Exhibit 5
 5 was marked for identification.)
 6 BY MR. GOODMAN:
 7 Q Do you have a copy of the search warrant?
 8 A Yes, I do have it.
 9 Q I have handed you a document which I have described as
 10 Buglo Deposition Exhibit No. 5. Can you identify that,
 11 sir?
 12 A It's an Anticipatory Search Warrant No. 08001827.
 13 Q At the bottom of the warrant itself is the signature of an
 14 affiant. Do you see that?
 15 A Yes.
 16 Q And who is that?
 17 A It's my signature.
 18 Q And there's some notation below the line where your
 19 signature appears, and I can't read that. Can you?
 20 A The name, I think it's DeYoung for the assistant
 21 prosecuting attorney.
 22 Q Yeah.
 23 A I believe it's DeYoung.
 24 Q You're right.
 25 A And there's a P number.

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1 be their radio code.
 2 Q Anyway, that would be -- what you have meant by that is
 3 that there were a group of officers from the narcotics
 4 enforcement unit that joined you in this action; is that
 5 right, sir?
 6 A Yes. According to this, it looks like there were two full
 7 narcotic crews, 2913 and 3025.
 8 Q And two full narcotics crews would mean how many officers
 9 and supervisors?
 10 A Two sergeants most likely and probably between five and
 11 maybe eight officers per crew, so ten to fifteen officers,
 12 maybe one or two more.
 13 Q And when you state here "district executed a search
 14 warrant," what do you mean by that?
 15 A I think that's an error. I don't know how the word
 16 "district" got in there. It should just be tactical
 17 mobile. District could mean district officers, but I
 18 don't recall any officers from the district being there.
 19 We don't use district officers when we're executing a
 20 search warrant in a particular district. It's for
 21 security reasons. We don't want people tipped off. So
 22 that word, why that word is in there, I'm not sure. I
 23 believe it's an error.
 24 Q What address, what district is 5141 Rosa Parks Boulevard
 25 located in?

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1 Q And there's a P number after that, right?
 2 A Yes.
 3 Q P number 63073 it appears, right?
 4 A Seven or a four.
 5 Q And a judge's signature from the 36th District Court; is
 6 that right, sir?
 7 A Yes. That was a magistrate.
 8 Q Magistrate. Do you know whose signature that is?
 9 A It was Lockhart.
 10 Q Now, attached to the warrant itself is an affidavit; is
 11 that correct?
 12 A Yes.
 13 Q And that is your affidavit; is that right?
 14 A Yes.
 15 Q With your signature at the bottom of each page of the
 16 affidavit, correct?
 17 A Correct.
 18 Q As well as it appears the signature of the same assistant
 19 prosecutor and the same magistrate, right?
 20 A Yes.
 21 Q In the third paragraph of your affidavit it states that
 22 vice enforcement has received complaints of after hour
 23 alcohol consumption and illegal narcotic activity
 24 occurring at the location on Rosa Parks Boulevard. Do you
 25 see that?

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18 (Pages 66 to 69)

Page 66

1 A Yes.

2 Q Is it your testimony here today that there was more than

3 one complaint of that activity?

4 A I believe there was a complaint that Lieutenant Yost had,

5 I want to say from liquor license, but I'm not positive.

6 I know there was another complaint, a noise complaint

7 generated from someone in the neighborhood, so there was

8 at least I believe two.

9 Q All right. After that it indicates that you conducted,

10 quote, review investigation of the location, correct, sir?

11 A Yes.

12 Q And the affidavit goes on to describe your actions on

13 March 29th, April 26th -- and April 26th of what is also

14 recorded in your PCRs which are Buglo Exhibits 1 and 2; is

15 that right, sir?

16 A Could you repeat that?

17 Q Yeah, sure. I'm sorry. You describe what happened at the

18 CAID on March 29th and then again on April 26th when you

19 and Lieutenant Yost appeared there as undercover officers;

20 is that correct, sir?

21 A Yes.

22 Q And what you describe in your affidavit is pretty much

23 what you described in your PCRs that we have already

24 discussed; is that correct, sir?

25 A Yes, correct.

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1 Q And the PCRs are, for the record, what have been marked

2 Buglo Exhibits 1 and 2.

3 Is there anything in your affidavit which

4 describes what occurred on March 29th and April 26th that

5 is not in your PCRs? And you may take a few moments here

6 to read them if you wish. Would you like to do that?

7 A Sure.

8 Q Go ahead. We'll go off the record until the witness is

9 ready.

10 (Discussion off the record.)

11 BY MR. GOODMAN:

12 Q Do you want the question read back?

13 A I believe you asked were the reports and affidavits

14 substantially the same?

15 Q Yes.

16 A Yes, they are.

17 Q Now, the last paragraph of the affidavit -- Pardon me.

18 Strike that.

19 At the bottom of the third page of this exhibit,

20 which is Buglo Exhibit 5, it indicates that a surveillance

21 was conducted at the CAID location on May 24th, 2008, at

22 2:05 a.m. Do you see that?

23 A Yes.

24 Q Is that correct, that date?

25 A No, it would not be correct.

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1 Q In fact, what happened on that date, May 24th?

2 A Was that the raid date? I'm not positive what happened on

3 May 24th.

4 Q I believe the raid date would have been the 31st. You can

5 verify by looking at the CRISNET report.

6 A I see what you're saying. May 24th, that's probably a

7 typographical error.

8 Q What happened? When you say it's a typographical error,

9 what is an error, the date?

10 A The date was probably an error. This looks like what I

11 typed into one of the PCRs.

12 Q Well, what date --

13 A When Lieutenant Yost and I entered the location.

14 Q On what date did these things happen?

15 A It looks like this was the first observation we did,

16 Lieutenant Yost and I, which would have been on probably

17 March -- was it March 24th?

18 Q March 29th, I believe.

19 A Probably the March 29th.

20 Q In the affidavit, the paragraph of the affidavit we were

21 just looking at, it states that, quote, "Two canopies were

22 also set up in the yard," unquote. Do you see that?

23 A Where is the two canopies?

24 Q I'm looking at your affidavit, the last paragraph of the

25 third page of your affidavit.

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1 A Okay. I see the canopies part.

2 Q Okay. That wasn't described in either of your earlier

3 PCRs, was it?

4 A No.

5 Q And then at the bottom of that paragraph, the last

6 sentence of that paragraph, it states, "A white male/30s,

7 bald, chin goatee beard, appeared to be the door man (as

8 he was on previous occasions.) Affiant watched the

9 location for approximately 15 minutes."

10 Now, Sergeant, it appears that what you're

11 talking about here is another surveillance that occurred

12 sometime, because you have described the man with the chin

13 goatee in earlier PCRs; is that right?

14 A Yes.

15 Q So this is not describing -- This last paragraph of page 3

16 of your affidavit, which is Buglo Exhibit 5, does not

17 describe anything that occurred on March 29th because you

18 didn't see that man on March 29th; am I right?

19 A Yeah. I was looking at my calendar to go back to see what

20 day of the week that was, and it was a Saturday, and this

21 most likely was a separate observation.

22 Q This is a separate observation that you believe you made

23 on --

24 A May 24th at 2:05 a.m.

25 Q -- May 24th; is that right?

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19 (Pages 70 to 73)

Page 70

1 A Yes.
 2 Q And it was your observation; is that right?
 3 A I would have been there, and I don't know who I would have
 4 been with. I would have to go back and see the activity
 5 log and confirm who I would have been with then.
 6 MR. GOODMAN: I would request that we be
 7 provided with a copy of that activity log for that date so
 8 that we can question this witness in connection with those
 9 particular events.
 10 BY MR. GOODMAN:
 11 Q Did you fill out a PCR for that particular --
 12 A It's my practice to, and I would have. Like I said, I
 13 would have to research or the files would have to be
 14 pulled from that date to see if, in fact, there is one,
 15 but that's the common practice.
 16 MR. GOODMAN: I would request the PCR from that
 17 particular date and observation.
 18 BY MR. GOODMAN:
 19 Q Do you see that your affidavit is signed May 29th, 2008?
 20 A That's the date that the prosecutor put under his
 21 signature, yes.
 22 Q When do you think you filled out and signed the affidavit?
 23 A Same day. It would have been the same day.
 24 Q So that would have been five days after May the 24th; am I
 25 right?

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1 A Yes.
 2 Q And two days before May 31st when you executed the raid,
 3 am I right, sir?
 4 A Yes.
 5 Q Or executed the warrant.
 6 So at the time that you filled out this
 7 affidavit, is it fair to say that you had a fresh
 8 contemporaneous recollection of the events that occurred
 9 on May the 24th?
 10 A Yes.
 11 Q Do you have an independent recollection of those events
 12 now as you sit here?
 13 A Kind of. I don't want to speculate. I would have to
 14 research it, why we went back there on May 24th. For some
 15 reason, something is clicking in my head that we had
 16 further information that there was a special event going
 17 on that day. I'm not a hundred percent positive about
 18 that, but I would have to look at the CRISNET or the PCR,
 19 if I filled one out, to refresh my memory more and the
 20 activity log from that day to see exactly what our
 21 activities were for that particular shift.
 22 Q And May the 24th, 2008, I think you testified was a
 23 Saturday; am I right?
 24 A Yes. I looked up on my phone, and it did say it was a
 25 Saturday.

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1 Q You keep your schedule, a diary on your telephone?
 2 A No. I went to the calendar function and just scrolled
 3 back three years to 2008.
 4 Q So if May the 24th was a Saturday, I think it's fair to
 5 say that May the 23rd was and would have been a Friday; is
 6 that right?
 7 A Yes. For your purposes with the activity log, you would
 8 probably want the May 23rd activity log, because we would
 9 have started at seven p.m. on the 23rd, and the events
 10 would have been recorded after midnight.
 11 Q But May the 23rd was not the last Friday of May of 2008.
 12 It was the second from last Friday of that month and year,
 13 right?
 14 A Yes.
 15 Q Why were you out there on that particular date since you
 16 had focused on these Funk Nights which I think you had
 17 previously testified occurred on the last Friday of every
 18 month in your understanding?
 19 A Like I said a few minutes before, something may have come
 20 into the office. I don't want to speculate, but there was
 21 some reason that we went there on that night. I don't
 22 remember exactly why it was we went there on that Friday.
 23 Maybe it was to see if there was any activity going on on
 24 any other Fridays, but there was some reason that we went
 25 on May 24th.

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1 Q And you can't say at this time what that reason was?
 2 A I don't recall what it was, sir.
 3 Q On the fourth page of your affidavit, if you would turn to
 4 Buglo Exhibit 5, you indicate that earlier that day, on
 5 May the 29th, in fact, you had spoken with someone at the
 6 business license department of the city and somebody with
 7 the liquor licensing of the police department; is that
 8 correct, sir?
 9 A Correct.
 10 Q Was May the 29th, 2008, the first time that you learned
 11 that there was no business license that had been issued to
 12 the CAID?
 13 A I believe either myself or Lieutenant Yost made a call
 14 earlier during our -- shortly after our first observation
 15 for freshness of the search warrant. Between that time
 16 and the execution of the search warrant another call would
 17 be made to ensure that they didn't get a license between
 18 our first call and as close to up to the execution of the
 19 search warrant as possible.
 20 Q And would the same thing be true with regard to the call
 21 that was made to the police department's liquor license
 22 unit?
 23 A Yes.
 24 Q This was the second call, in other words, that was made;
 25 is that what you're saying?

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20 (Pages 74 to 77)

Page 74

1 A Yes.
 2 Q Now, on the same page, you indicate that you had probable
 3 cause to believe that the CAID was operating an illegal
 4 operation by way of selling any alcoholic beverages at
 5 5141 Rosa Parks Boulevard; is that right?
 6 A Yes.
 7 Q And by allowing the open use of narcotics, specifically
 8 but not limited to marijuana; is that right?
 9 A Yes.
 10 Q Did you observe any other narcotics being used or ingested
 11 at that location at that time?
 12 A Any other --
 13 Q -- narcotics other than marijuana.
 14 A No, I did not.
 15 Q And you also indicate that you have probable cause to
 16 believe that this operation created a public nuisance
 17 threatening the peace and good order of the neighborhood;
 18 is that correct, sir?
 19 A Yes.
 20 Q And you indicate that an assortment of contraband would be
 21 found in the building itself if you were to engage in a
 22 search, correct?
 23 A Yes, that's what I believed.
 24 Q And you go on to ask the magistrate then for a warrant to
 25 be executed in the early morning hours of May 31st, 2008.

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1 That was the essence of relief in your affidavit; am I
 2 right, sir?
 3 A Yes.
 4 Q Now, I want to go back to Exhibit No. 4 which is the
 5 CRISNET that in part describes what happened during the
 6 raid; is that right?
 7 A Which one?
 8 Q Exhibit No. 4, this one, sir.
 9 A Is it the dot one? Okay.
 10 Q Yeah, that one. The report narrative we have already
 11 read, and in that you set forth and you say that the
 12 following enforcement actions occurred, and you then
 13 describe a series of what appear to be 134 citations or
 14 arrests. Am I right about that?
 15 A Yes.
 16 Q The first four people described are described as engagers.
 17 What do you mean by that?
 18 A They would have been comparable to an employee, somebody
 19 partaking in running or functioning of the establishment.
 20 Q So these people were engaging in an illegal activity; is
 21 that what you mean by an engager?
 22 A Yes.
 23 Q In this case, the illegal activity would have been what?
 24 A The ticket, the person I wrote, I wrote the bartender for
 25 selling alcohol. Lieutenant Yost wrote the doorman who I

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1 believe was collecting money and selling the memberships
 2 and taking the cover charge.
 3 Q The doorman was Joseph Timlin; is that right?
 4 A Here it has, yes, Mr. Timlin is the doorman, and also
 5 Christopher Shoemaker as a doorman.
 6 Q Which one of those gents was the one with the chin goatee?
 7 A I believe that was Mr. Shoemaker.
 8 Q The bartender, Jennifer Anne Schraeder, would have been
 9 the woman with shoulder-length blonde hair?
 10 A Yes.
 11 Q The same woman that you had observed earlier?
 12 A Yes.
 13 Q Were those people essentially issued citations, or were
 14 they arrested and taken into custody?
 15 A I don't believe we made any arrests that night, so
 16 everyone would have gotten a citation and released.
 17 Q Starting with defendant number 5, Kayla Arlette-Whitney
 18 Burton, were all of the other people who were cited or
 19 handed citations that night people who were customers or
 20 patrons of the CAID?
 21 A It would appear so. I'm trying to go through this as
 22 quick as possible.
 23 Q Go ahead. Take your time. I don't want to rush you.
 24 Take your time and read through it.
 25 A Yes.

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1 Q Okay. So that means that there were 130 patrons or
 2 customers or people who were inside the CAID who were
 3 issued citations that night; am I right about that?
 4 A Yes.
 5 Q And was everybody who was located inside the CAID location
 6 cited or given a citation --
 7 A I don't know.
 8 Q -- and charged with a misdemeanor that night?
 9 A I don't know.
 10 Q Do you have any recollection of anyone who was released
 11 without a citation?
 12 A I do not.
 13 Q Was a decision made by either you or Lieutenant Yost that
 14 everybody inside the location would receive a citation
 15 that night?
 16 A That's standard procedure.
 17 Q When you say that's standard procedure, you mean that
 18 that's what happens every time such a raid is conducted;
 19 is that right?
 20 A That's correct. There are exceptions. People who are on
 21 a sidewalk who maybe wanted to go in but didn't make it
 22 in, they're not going to be cited, and I'm sure there are
 23 other exceptions that would come up on a case-by-case
 24 basis.
 25 Q Was there a live band that night?

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21 (Pages 78 to 81)

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1 A I don't remember. I remember there was music, and I
2 definitely know there was a DJ. I don't have if there was
3 live music.
4 Q Was the DJ given a citation?
5 A I don't know. If he was there, he should have been.
6 Normally, he would have been issued one, but I can't say
7 specifically if he was.
8 Q Now, this, what you have described as what happens
9 normally, which is that everyone is given a citation, was
10 that the policy of the Detroit Police Department at the
11 time of this particular incident which would have been May
12 31st, 2008?
13 MR. ASHFORD: Objection, no foundation.
14 BY MR. GOODMAN:
15 Q Over objection, you may answer.
16 MR. ASHFORD: Go ahead. You can answer.
17 THE WITNESS: I don't know of any policy that's
18 written. These tickets are discretionary. You can write
19 the citation or not write the citation. There is not a
20 shall statement that says everyone that enters shall be
21 written or arrested, or there's not that type of wording
22 in the policy.
23 BY MR. GOODMAN:
24 Q Right. So there's nothing in writing that says it's the
25 policy of the Detroit Police Department to arrest

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1 Q And the citation was for loitering in a place of illegal
2 occupation; is that correct, sir?
3 A Yes.
4 Q And what was the legal authority upon which this citation
5 was issued? What law, in other words, authorized you to
6 issue this citation as you understood it?
7 A They were in a place that was providing entertainment,
8 selling alcohol after the legal hour. It was an
9 unlicensed business or liquor licensed establishment.
10 Q That was the factual basis for why you issued these people
11 the citations that were issued; am I right about that?
12 A Yes.
13 Q What was the legal foundation for that, as you understood
14 it? Was it a city ordinance, a state law, or anything
15 else that you were aware of?
16 A A city ordinance.
17 Q Were you familiar with that ordinance at the time of this
18 particular raid which had been May the 31st, 2008?
19 A Familiar to the extent that I have written it several
20 times before this actual raid, yes.
21 Q Written what?
22 A Loitering in a place of illegal occupation.
23 Q You have written those citations in the past; is that
24 right?
25 A Yes, sir.

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1 everybody or, excuse me, to cite everybody in such a
2 location. That's your testimony; is that right?
3 A Yes.
4 Q In other words, the general practice of the Detroit Police
5 Department at that time in 2008 was that when such a raid
6 was conducted, everyone in the location would receive a
7 citation such as the one that was received here; is that
8 right?
9 A Yes.
10 MR. ASHFORD: Objection, calls for speculation.
11 MR. GOODMAN: Over objection, I think we have
12 the answer already.
13 BY MR. GOODMAN:
14 Q In addition to this being the general practice of the
15 department at this time, this was the custom and usage of
16 the Detroit Police Department at that time; is that
17 correct, sir?
18 A Yes.
19 MR. ASHFORD: I'm going to add another
20 objection, same objection. Calls for speculation.
21 BY MR. GOODMAN:
22 Q Everybody received the same citation other than the four
23 engagers who are listed at the top of your report; is that
24 correct, sir?
25 A Yes.

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1 Q Had you read the ordinance before you wrote them?
2 A No, I have not.
3 Q All right. Other than your attorney, has anyone within
4 the Detroit Police Department advised you that the
5 ordinance, the loitering ordinance of the City of Detroit
6 has been changed, altered, or amended since the date of
7 this particular raid?
8 A I believe Lieutenant Yost informed me that it was under
9 review. There was a problem with the wording, or there
10 was some flaw in it. I don't recall exactly what the flaw
11 was. For some reason, the word "knowingly" comes to mind,
12 and I believe it was going to be changed or has been
13 changed since then. I'm not positive if it has.
14 MR. GOODMAN: Off the record for a moment.
15 (Discussion off the record.)
16 (WHEREUPON, Deposition Exhibit 6
17 was marked for identification.)
18 BY MR. GOODMAN:
19 Q Let the record show that I have handed you what has been
20 marked Buglo Deposition Exhibit 6 which I will represent
21 is the provision of the City of Detroit ordinance that was
22 in effect on May the 31st, 2008. I'm going to ask you,
23 first of all -- and I know you have said you don't ever
24 recall seeing it. Now that you look at this, does this
25 refresh your recollection, or do you recall ever having

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22 (Pages 82 to 85)

Page 82

1 read this?

2 A This is the first time I have read it. I have seen the

3 wording that is similar to this before.

4 Q Have you seen the amended ordinance to which Lieutenant

5 Yost referred when she spoke with you about changing the

6 law?

7 A I have not, and if it's been amended, this is the first

8 time hearing of it. I know they were working on rewording

9 it. Whether or not it's been completed, I don't know, or

10 amended, I'm not sure. I don't know.

11 Q I'm skipping around a lot here, and I apologize for that.

12 I want you to assume that the words -- Withdraw that.

13 Do you see the last line of the exhibit that I

14 just handed you?

15 A Yes.

16 Q Loiter in a place of illegal occupation?

17 A Yes.

18 Q Do you see that? I want you to assume that after the word

19 "occupation," the following phrase was added as a result

20 of an amendment to the Detroit ordinance. Quote, "with

21 the intent to engage in such illegal occupation," unquote,

22 "shall be guilty of a misdemeanor." Do you see that? I

23 mean, did you follow me as I --

24 A Yes.

25 Q Did you understand on May the 31st, 2008, that in order to

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1 issue someone a citation in a location such as the CAID

2 and such as the ones that you issued on May the 31st,

3 2008, it was necessary for you to have evidence that a

4 person must have had the intent to engage in an illegal

5 occupation at the time that you issued that citation?

6 A No, I did not have that understanding.

7 Q In fact, it was your understanding that they need not have

8 such an intent in order for you to issue a citation; isn't

9 that right?

10 A Yes.

11 Q So in terms of the old ordinance, what did you understand

12 the violation that was known as loitering in a place of

13 illegal occupation to consist of? What did you think it

14 meant as a law enforcement officer?

15 A Being in a place where illegal activity such as what was

16 going on at the CAID was taking place.

17 Q Simple presence there at that location, correct?

18 A Correct.

19 Q And one violated the ordinance simply by being present

20 there; is that correct, sir?

21 A Correct.

22 Q And, therefore, as far as you were concerned, what

23 constituted probable cause at that time was presence at

24 the location; is that correct?

25 A Yes.

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1 Q And that, as far as you know, is the reason that --

2 referring now to Exhibit No. 4 which is CRISNET point one

3 -- defendants 5 through 134 were given citations on that

4 particular early morning; is that correct, sir?

5 MR. ASHFORD: Objection as to form, foundation.

6 Go ahead.

7 BY MR. GOODMAN:

8 Q Go ahead, sir.

9 A Yes.

10 Q And I apologize. I know you testified about this already,

11 but you left vice enforcement in two thousand --

12 A 2009.

13 MR. GOODMAN: I want to take care of a couple of

14 details here. Could I have the notice of deposition? Off

15 the record.

16 (Discussion off the record.)

17 (WHEREUPON, Deposition Exhibit 7

18 was marked for identification.)

19 BY MR. GOODMAN:

20 Q I'm handing you now what has been marked Deposition

21 Exhibit 7 which is the Notice of Deposition of this

22 deposition. Have you seen this before today, sir?

23 A The cover page looks familiar. The listing of the

24 officers on page 3, I have never seen that listed like

25 that, but I do recall seeing the cover sheet or page 1.

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1 Q And you were asked, pursuant to Federal Rules of Civil

2 Procedure 34, to bring a number of documents and

3 documentation with you today. Have you brought any of the

4 things that were asked or all of them?

5 A Where is this listed, sir?

6 Q It's starting on page 2.

7 A Okay.

8 Q Paragraphs 1 through the end, which is paragraph 12.

9 A I did not personally bring any of these. I believe our

10 law department handles that aspect of the records, gets

11 the records from whatever entity's file that they may be

12 in. I believe they collect those records. I do not do it

13 personally.

14 MR. GOODMAN: Okay. I will request that to the

15 extent that any of the documents that are requested

16 therein that have not yet been produced and are

17 subsequently produced, we may need to continue questioning

18 with regard to the contents of any documents which we

19 subsequently receive.

20 BY MR. GOODMAN:

21 Q Just one or two questions before we break, Sergeant. Was

22 there an understanding that you had, before you undertook

23 this particular raid of the CAID on May 31st, 2008, that

24 if you observed illegal activity going on inside the

25 location of the CAID, everyone who was present in the

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23 (Pages 86 to 89)

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1 location would be cited for loitering in a place of
 2 illegal occupation?
 3 A Unless there was some type of exigent circumstances, yes.
 4 Q And by exigent circumstances, can you give me an example
 5 of any such situations where you had observed such exigent
 6 circumstances? You already mentioned a person who had not
 7 yet been able to get in.
 8 A We conducted a raid in the past where I believe there was
 9 a child. It was at a residence, and there was a child
 10 living in the home there. The child didn't get a
 11 citation. That's the first thing that pops into my mind,
 12 and I'm sure there are others. It's not a blanket thing.
 13 There are exceptions that can be made.
 14 Q So other than that, it was your understanding, as a
 15 supervisor in connection with this particular raid, that
 16 all of the people who were given citations would be given
 17 citations for the reasons that we have already discussed
 18 here on the record; is that right, sir?
 19 A Yes.
 20 MR. ASHFORD: Objection to form and foundation.
 21 BY MR. GOODMAN:
 22 Q When we come back, I want to ask you some questions about
 23 the transition between your undercover activity on the
 24 night of May 31st, 2008, and the raid itself, but with
 25 that being said, I think it's time for the break that we

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1 A Not that night. She's been known to wear one, so it
 2 wouldn't be unusual if she did, but I don't recall if she
 3 had one on that night or not.
 4 Q She occasionally wears baseball caps. You don't recall if
 5 she had one on that evening, however; is that right?
 6 A Yes.
 7 Q Now, once, after this situation where you observed what
 8 you observed as described earlier in your testimony, how
 9 was the decision made that a raid would take place?
 10 A After we entered the location, observed the activities
 11 that were going on, we stayed for some time, and then a
 12 phone call was made, I believe by her, to the staging area
 13 where the entry team was, that indeed there was illegal
 14 activity going on and to go ahead and execute the search
 15 warrant.
 16 Q There was already a raid team that had been organized and
 17 was waiting to come into the place; is that right?
 18 A Yes.
 19 Q Where was that raid team located?
 20 A I believe they were staged at the tactical mobile base at
 21 5671 Trumbull.
 22 Q About, what, five minutes away?
 23 A Approximately five minutes away.
 24 Q You say "she made a telephone call." "She" would have
 25 been Lieutenant Yost, correct?

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1 discussed.
 2 MR. ASHFORD: Reconvene at 1:00?
 3 MR. GOODMAN: 1:00 is just fine.
 4 (Recess taken from 12:30 p.m. to 1:20 p.m.)
 5 BY MR. GOODMAN:
 6 Q Back on the record.
 7 Sergeant Buglo, when we broke for lunch, I
 8 wanted to ask you a few questions about the transition
 9 between your undercover activity on May 31st, 2008, and
 10 the actual raid. You described that you and Lieutenant
 11 Yost were in casual clothes, and in no way could anyone
 12 tell, unless they knew you, that you were police officers;
 13 is that right?
 14 A Yes, sir.
 15 Q And you said your dress was casual; hers was similar. Did
 16 you have a hat on that evening if you can recall?
 17 A I don't recall.
 18 Q Did she?
 19 A I don't recall, either. I usually don't wear a hat, so I
 20 don't know why I would have at the point of entry. If I
 21 came back in after giving up my cover and had a police hat
 22 on, police ball cap, that's entirely possible. But when
 23 we first went in, I did not have a hat on.
 24 Q I'm more interested for the moment now in Lieutenant Yost.
 25 Do you recall a baseball cap she had on?

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1 A Correct.
 2 Q And she used a cell phone I assume; is that right, sir?
 3 A Yes.
 4 Q From inside the location?
 5 A Yes.
 6 Q And then did you stay inside the location until the team
 7 arrived, or did you go outside?
 8 A We stayed inside.
 9 Q Once the team arrived, did they come inside the CAID
 10 location, inside?
 11 A Yes.
 12 Q And how did they enter, if you can recall?
 13 A Through the north door.
 14 Q Did they knock before they entered?
 15 A I don't know if -- I don't know.
 16 Q Is there an announcement made that there was a police
 17 entry into the place?
 18 A Yes, there was.
 19 Q Who made that announcement?
 20 A It would have been someone on the raid team. I don't know
 21 the specific individual.
 22 Q What was said?
 23 A "A search warrant, police" was repeated over two, three,
 24 four times.
 25 Q And what were the people who were inside the establishment

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24 (Pages 90 to 93)

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1 instructed or ordered to do?

2 A To get down on the ground or lay down on the ground.

3 Q Was this an order or an instruction?

4 A From my perspective, it's a police order. How they took

5 it, I don't know, but it's an order.

6 Q Did everybody get down on the ground?

7 A The people within my field of vision did. Some took

8 longer than others. I mean, there's a certain amount of

9 confusion that goes on.

10 Q Did anyone express any opinions about the fact that the

11 place was being raided or that people were being ordered

12 to get down on the ground?

13 A With the amount of people there, I have heard stray

14 comments just of a general nature of, "What's going on?"

15 You know, paraphrasing things like that.

16 Q How many police officers entered the location upon the

17 announcement that they were coming in, and once they

18 started to enter, how many came in?

19 A When they first reached the door, I probably saw seven to

20 ten before I got down on the ground as well. My field of

21 vision was then skewed, and after a certain amount of

22 minutes, I sat up and had my hands on my knees and

23 watched.

24 Q Why was it that you got down on the ground?

25 A To be in compliance and to fit in with what the rest of

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1 the people were doing and to follow the commands of the

2 police. I didn't want to look out of place.

3 Q Why didn't you -- I mean, you were a police officer. Why

4 didn't you want to at that point just simply identify

5 yourself as a police officer and participate in the raid?

6 A Well, the narcotics people are raid trained, and they do

7 raids two, sometimes three a day. Myself or anyone else

8 popping up in my opinion could cause confusion to the raid

9 team, maybe cause things to not go as smoothly as they

10 would like.

11 At that point in time, when they breach the

12 door, they have certain procedures and certain things that

13 they do for their safety, for everyone else's safety, and

14 I didn't want to put any confusion or throw them off in

15 any way.

16 Q Did Lieutenant Yost do as you did?

17 A Yes, she did.

18 Q At some point did you identify yourself as police officers

19 to anyone?

20 A We did get up and go out to the vehicle to get badge

21 necklace, I believe our firearms, police identification,

22 but there was no standing up and announcing, "Hey, I'm

23 Sergeant Buglo. I'm a policeman, too." There wasn't any

24 formal announcements or anything like that.

25 Q You just stood up and left the premises?

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1 A Once the raid team had everything secured and they were

2 comfortable with the setting. They knew that Lieutenant

3 Yost and I were in there. They're familiar with what we

4 look like and who we are, so there was --

5 Q So the police officers who participated in the raid knew

6 who you were and what you looked like; is that right?

7 A Yes.

8 Q Who was the commanding officer, the leader of the raid?

9 A I don't know. There was two sergeants involved. I'm not

10 sure which one would have taken the lead.

11 Q Had there been a raid briefing?

12 A Yes, there was.

13 Q Where was that?

14 A That was at the tactical mobile base.

15 Q Did you participate in it?

16 A I believe I was briefly introduced for anyone who might

17 not know me, and then I went on and did some other

18 activity.

19 Q Was there -- I'm sorry.

20 A The actual layout of the building and pictures of the

21 building and the description of the interior was done by

22 -- that briefing was -- I don't know who did that

23 briefing, but it was not me.

24 Q Was Lieutenant Yost there, and did she participate in the

25 briefing if you know?

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1 A I don't know. She was there at the base. I don't know if

2 she participated in the briefing.

3 Q Do you know if a written brief plan had been prepared?

4 A We always have in the past. I don't know why there

5 wouldn't be this time, so there should have been.

6 MR. ASHFORD: Do you know if there is one?

7 THE WITNESS: Knowing the crew that participated

8 in it, I don't know for sure, but there always has been

9 one in the past, and we have been very thorough with it.

10 I did not see it, so I don't know if one was done or not.

11 MR. GOODMAN: I would, Mr. Ashford, object to

12 questioning out of order, but I understand.

13 MR. ASHFORD: Just helping you clarify.

14 MR. GOODMAN: I understand. Appreciate it.

15 BY MR. GOODMAN:

16 Q So you don't know if the warrant was read at the briefing

17 meeting?

18 A I do not.

19 Q Or if a map or photographs were shown to the raid team?

20 A I do not.

21 Q In the end, you said you and Lieutenant Yost stood up,

22 went outside, and put on different garb; am I right?

23 A Not different clothing. I would have had a necklace that

24 had my badge on it. I retrieved my firearm and my police

25 -- I have a separate wallet I carry my police ID and badge

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25 (Pages 94 to 97)

Page 94

1 in.
 2 Q All right. And you then retrieved your identification,
 3 got your other paraphernalia and put on a vest did you
 4 say?
 5 A No.
 6 Q What? What kind of garb did you put on?
 7 A Just a necklace with my badge on it, a badge holder on it,
 8 my firearm, and my police wallet with my ID in it.
 9 Q What did you do after you did that?
 10 A There was a laptop computer in the car that we used to
 11 help process the people's information. For instance, this
 12 CRISNET that I did, I typed all that in a Word document
 13 and then copied and pasted it into the CRISNET. As the
 14 tickets were being written, they were given to me, and I
 15 typed the information onto the report.
 16 Q And by CRISNET, you're referring to Exhibit No. 4; is that
 17 correct?
 18 A If it's the point one, then that's correct, yes.
 19 Q So all of these names and the charges that people are
 20 charged with and other identifying information, addresses,
 21 dates of birth, that kind of thing were typed in by you
 22 once, as you say, a ticket was written; is that correct?
 23 A Yes.
 24 Q Tickets were brought out to you by whom?
 25 A There's a whole processing area that's set up. There was

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1 Q Well, let's take a look at Exhibit No. 4 here for just a
 2 second. Just randomly, I'm going to pick somebody on
 3 this. Let's say defendant number 20, Jennifer Lynn Agar,
 4 white female, 24, date of birth 3-13-84, with an address
 5 in Farmington Hills, Michigan, was charged with loitering
 6 in a place of illegal occupation by you, by Sergeant
 7 Daniel Buglo; is that right, sir?
 8 A Correct.
 9 Q How did you know that Jennifer Lynn Agar had been in a
 10 place of illegal occupation when you wrote that ticket?
 11 A She was in the place at the time of the raid, and she was
 12 in the place when people were processed, so she came up to
 13 the table when she was called up.
 14 Q Basically, did you see her in there before the raid
 15 started?
 16 A I can't specifically recall what she looks like now, no.
 17 Q So you can't say one way or another if you saw her in the
 18 location; is that right?
 19 A Not at this time, correct.
 20 Q And, really, the only way you know that she was in the
 21 location was that she worked her way through an assembly
 22 line process essentially and ended up at a desk where the
 23 citation was written and handed to her; is that right?
 24 MR. ASHFORD: Objection as to form and
 25 foundation.

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1 I believe a couple of tables with officers sitting behind
 2 the tables and with the patrons in front. They would come
 3 up one at a time with their identification, or if they
 4 didn't have identification, they would give their name.
 5 The tickets were written, and they were eventually brought
 6 over to me. I put them in the computer.
 7 Q The tickets were brought over to you, or the people were
 8 brought over to you?
 9 A The tickets.
 10 Q Did you see the citation being given to any of the
 11 particular people who were --
 12 A Myself and another officer were set up right behind the
 13 main processing table, so I saw -- They were forward, kind
 14 of where the person taking the entry fee or the cover
 15 charge was, and we were a few feet behind them, so I saw
 16 them as they went to the table and then subsequently out
 17 the door.
 18 Q Different officers were writing different citations; is
 19 that right?
 20 A Yes.
 21 Q And the officers were members of the raid team; is that
 22 correct?
 23 A Members of the raid team and members of vice. I don't
 24 know if tactical mobile officers had their names written
 25 on any of the tickets or not.

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1 BY MR. GOODMAN:
 2 Q Over objection, you may answer, sir.
 3 A That's correct.
 4 Q Let's go to number 21, Jessica Lynn Martin, white female,
 5 22, born in 1985, residence in Warren, Michigan, also
 6 charged with loitering in a place of illegal occupation by
 7 Police Officer J. Passmore. Now, who is Officer J.
 8 Passmore?
 9 A A police officer that was assigned to vice enforcement at
 10 the time of the raid.
 11 Q Had he been in the establishment before the raid started?
 12 A At any time?
 13 Q On this particular --
 14 A On the night of the raid was he in the establishment?
 15 Q Yeah.
 16 A Not before the raid crew entered.
 17 Q As far as you can tell, as the person who wrote this
 18 CRISNET, how did Officer Passmore know that Jessica Lynn
 19 Martin had been inside the establishment at the time that
 20 illegal activity was going on there?
 21 A I cannot speak for Officer Passmore's observation. I
 22 don't know what he would convey to me.
 23 Q Based on your description, however, at most, what Officer
 24 Passmore would have seen was Jessica Martin lying on the
 25 floor at the time that he wrote this citation; isn't that

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26 (Pages 98 to 101)

Page 98

1 right?

2 MR. ASHFORD: Objection, calls for speculation.

3 BY MR. GOODMAN:

4 Q Sir?

5 A That's entirely possible.

6 Q How would Officer Passmore have known, if you know, that a

7 citation should be written to Jessica Lynn Martin?

8 MR. ASHFORD: Objection, calls for speculation.

9 BY MR. GOODMAN:

10 Q Again, over objection, you may answer.

11 A How would he have known?

12 Q Yeah.

13 A Speculating, just by her presence in the building I would

14 imagine.

15 Q And that would have been a legitimate basis, as far as you

16 were concerned as a supervisor, for him to write a

17 citation. Simply because she was present in the building,

18 she was then subject to criminal liability under this

19 loitering ordinance; is that correct, sir?

20 A Barring any exigent circumstances or any other explanation

21 that she could have given, yes.

22 Q Do you know if she was given any opportunity to provide an

23 exigent circumstance or explanation?

24 A I don't know if she was given the opportunity. There was,

25 during the processing, when they were at the table, there

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1 was nothing forbidding anybody from speaking or having a

2 conversation.

3 Q Now, I want to get into the issue of vehicles in a minute,

4 but were people asked, as they were being processed,

5 whether they had a vehicle, if you know?

6 A Yes.

7 Q Who asked?

8 A The officers at the processing table, and I believe we had

9 officers set aside to process the vehicle end of the

10 nuisance abatement and the forfeiting of the vehicles, so

11 it would have been one of those two officers.

12 Q Where were the processing tables set up?

13 A When you go into the entrance, they were set up kind of

14 east to west against the north wall, and I believe we

15 moved them so the tables would be north to south, kind of

16 like a blockade so they could go, and they'd have to go

17 around to get out the door.

18 Q Were the tables inside or outside?

19 A Inside.

20 Q How many officers were sitting behind the tables filling

21 out forms or taking information?

22 A I don't know the exact number. It would have been four,

23 four or more.

24 Q Four or more? Would it have been as many as ten?

25 A No. Uh-uh.

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1 Q So somewhere between four and seven or something like

2 that?

3 A That sounds right.

4 Q Do you remember who any of those officers were?

5 A Officer Sheron Johnson would have been one of them for

6 sure. I'd have to see who else was at the raid location

7 at the time. I believe Officer Singleton was from

8 narcotics, and I'm not sure who else.

9 Q Let's go back to number 21 on that Exhibit 4, Miss Martin.

10 Is the fact that Officer Passmore's name is on her

11 citation, does that signify that he was at the table that

12 you have described and filling out the information for

13 her? Is that what that would mean?

14 A Not necessarily.

15 Q Why would his name have been on her citation if he wasn't

16 sitting at the table taking information from her?

17 A He was one of the officers during the execution of the

18 raid that would have observed the mass amount of people in

19 there.

20 Q So does that mean that he observed her in there?

21 A It could.

22 Q But not necessarily?

23 A It could mean, not necessarily.

24 Q Explain to me the logic behind placing his name on --

25 Passmore's name on Martin's citation. For the moment,

Page 101

1 assuming he did not take the information from her at the

2 table where people were being processed and he did not see

3 her in the location itself, why could his name have

4 theoretically been assigned to her citation?

5 MR. ASHFORD: Objection, no foundation. You can

6 answer.

7 THE WITNESS: The logic behind it is everyone

8 that participates or was in the building and observed the

9 activities going on or observed the people in there at the

10 time of the raid, their name gets put on a ticket.

11 BY MR. GOODMAN:

12 Q Is it because every ticket or citation has to have the

13 name of an officer on it?

14 A Yes, every one does.

15 Q And why wouldn't someone just -- Withdraw that question.

16 Why wouldn't it have made sense simply to place

17 your name as the officer on each of the citations?

18 A It would have.

19 Q That could have happened?

20 A It could have happened that way.

21 (Discussion off the record.)

22 (WHEREUPON, Deposition Exhibit 8

23 was marked for identification.)

24 BY MR. GOODMAN:

25 Q I have handed you now what has been marked Buglo

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27 (Pages 102 to 105)

Page 102

1 Deposition Exhibit No. 8 and ask you if you can identify
2 that, sir?
3 A This is an additional CRISNET report attached to the
4 original case number.
5 Q And you are the reporting officer on this; is that
6 correct?
7 A That's not correct.
8 Q It's not?
9 A No.
10 Q Let me see that. Maybe I'm missing something. The report
11 was entered by you; is that right?
12 A No.
13 Q What's your name doing there on the right-hand side of the
14 first page of this document?
15 A Oh, the report -- Well, the report "Entered By" would be
16 the reporting officer which would be Raymond Smith.
17 "Reporting Officer" is like an additional officer involved
18 in the case.
19 Q That's you?
20 A Yes. The "Entered By" where it says Raymond Smith --
21 Q I see that.
22 A -- he's the one that entered it into the actual CRISNET
23 system.
24 Q But you are the reporting officer on this Exhibit 8; is
25 that correct?

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1 A Correct.
2 Q It lists you as the reporting officer?
3 A Correct, it does.
4 Q And you were the reporting officer on Exhibit 4 which was
5 point one of this CRISNET; is that correct, sir?
6 A Correct. The way the CRISNET system works, the person who
7 does the first actual case draft, which is the main number
8 here, all subsequent dot reports would have my name as the
9 reporting officer. Even if, say, you added an addendum to
10 it, if you did a report, you would show up as the entering
11 officer, and I would show up as the reporting officer
12 because I did the initial -- I guess got the ball rolling
13 thing it would be, but it doesn't make me the actual
14 person who did the information into the subsequent
15 reports.
16 Q I understand.
17 A Okay.
18 Q But you were then the reporting officer on the point one
19 which is Exhibit 4; is that right?
20 A Yes, sir.
21 Q And were you the entering officer also on that one?
22 A On the point one, I believe I was. Yes, I was.
23 Q Can you identify now Exhibit 8? Tell me what it is, what
24 it's reporting, and what it tells us.
25 A It's a property confiscation CRISNET report. It's a

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1 report of what was removed from the location and placed on
2 evidence.
3 Q And what do you understand had been removed from that
4 location?
5 A Do you want me to read all the things listed in the
6 report?
7 Q No. Generically can you tell me? I think there's money.
8 A Money, a computer, a laptop computer. I believe there was
9 a turntable. It looks like wine, a container of wine, keg
10 of beer.
11 Q So was everyone's money taken who was in the facility that
12 night?
13 A I don't believe so.
14 Q Whose money was taken?
15 A As far as I can remember, the door money would have been
16 taken, the money that was collected at the door, any money
17 that was taken by the bartender for the alcohol.
18 Q So the money that was in the hands of the so-called
19 engagers?
20 A And the cover charges would have been confiscated.
21 Q Am I right, though, that would have been money that would
22 have been in the possession, before the Detroit Police
23 Department seized it, would have been in the possession of
24 the engagers?
25 A Yes.

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1 Q What about the computer? Do you know anything about that
2 or where that was seized or why?
3 A I believe that was seized from the person who was making
4 the data entry, if you will, at the front door of the
5 patrons that came in.
6 Q And what was the purpose of seizing the computer?
7 A I believe it was seized as evidence of -- I don't know
8 what the nature was, and I don't know who ordered the
9 computer to be taken, but because names were being entered
10 in at the point of paying the cover charge, it was taken
11 as evidence.
12 Q Okay. TV, radio, stereo, VCR, under that category is a
13 turntable. Why was the turntable taken?
14 A Because there was an active DJ playing, and I believe that
15 goes to show evidence of the illegal party and illegal
16 activities that were going on as far as the entertainment
17 goes.
18 Q What was illegal about the entertainment?
19 A Charging a cover charge after hours and selling alcohol
20 and having dancing and music after that point in time of
21 the day, I believe there's a city ordinance against that.
22 Q City ordinance against having music after what time of
23 day?
24 A I believe it's two a.m. I believe by 2:15 those
25 activities are supposed to be shut down.

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28 (Pages 106 to 109)

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1 Q And the alcoholic beverages were seized because they were
2 evidence of illegal activity, also?
3 A Of the sale of alcohol, that I purchased a beer from
4 behind the bar where the keg was set up.
5 (WHEREUPON, Deposition Exhibit 9
6 was marked for identification.)
7 BY MR. GOODMAN:
8 Q I'm going to hand you what has been marked Exhibit 9 and
9 ask if you can identify this?
10 A It's a Detroit Police CRISNET report, a point three to the
11 main case number. It's like a third portion of the
12 report.
13 Q And this one was entered again by Raymond Smith, was it?
14 A Correct.
15 Q But you, again, are indicated as the reporting officer
16 because you were the initial reporting officer; is that
17 correct?
18 A Correct.
19 Q What is reflected on this particular portion of the
20 CRISNET?
21 A It appears to be a list of vehicles that were impounded
22 from the location.
23 Q How many vehicles were impounded, if you know?
24 A I don't know. Just by recollection, I believe that night
25 there was approximately forty altogether. I don't

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1 remember the exact number.
2 Q Could it have been a few more than forty?
3 A Could have.
4 Q And in these raids -- and by "these raids," I mean raids
5 that are conducted by the vice enforcement unit -- were
6 vehicles routinely confiscated?
7 A Yes.
8 Q And can you explain under what -- Withdraw that question.
9 Can you indicate what the legal authority was
10 for the confiscation and seizure of people's vehicles.
11 A I believe the county has a nuisance abatement law, if you
12 will, that says they can be forfeited under their nuisance
13 abatement act.
14 Q Might that be a state statute, Michigan statute?
15 A I don't know.
16 Q Michigan nuisance abatement statute?
17 A I don't know.
18 Q Have you ever read that statute, the contents of it?
19 A I have not.
20 Q One moment, please.
21 Has anyone ever told you that the pertinent
22 language states that any vehicle used for the purpose of
23 furnishing or otherwise disposing of any narcotic and/or
24 hypnotic drug as defined by law or of any of the vinous,
25 malt, brewed, fermented, spiritous or intoxicating liquors

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1 or any mixed liquors or beverages, any part of which is
2 intoxicating is hereby declared a nuisance?
3 A Has anyone told me?
4 Q Are you familiar with that general concept as outlined in
5 the statute?
6 MR. ASHFORD: Objection as to form. You can
7 answer.
8 THE WITNESS: No, I have not read it.
9 BY MR. GOODMAN:
10 Q Or that any person who owns, leases, conducts, or
11 maintains a vehicle used for the purposes or by any of the
12 persons carried on, is guilty of a nuisance?
13 A No, I have not heard that language before.
14 Q Who made the decision that the vehicles were to be seized
15 in this particular raid?
16 A I don't know that anyone came out and said, "We're seizing
17 vehicles." It's been done that way long before I got to
18 vice. It was done that way when I got to vice. That's
19 just how it was done. There was no statement made that
20 we're not seizing vehicles this time. It's just part of
21 the raid procedure as far as I understood.
22 Q Is it your testimony that any time a raid is conducted and
23 people are handed citations for loitering in a place of
24 illegal occupation, their vehicles will be confiscated and
25 seized by the Detroit Police Department?

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1 A No. It's my testimony that the raids that I have been on
2 in my time at vice, that has been the case.
3 Q How many such raids have you participated in?
4 A Seven to ten approximately. I don't know the exact
5 number.
6 Q In those seven to ten, in each of them, vehicles were
7 confiscated; is that a fair statement?
8 A Yes.
9 Q Vehicles of anyone who was cited for loitering?
10 A Yes. There were vehicles taken in each instance.
11 Q So has anyone ever told you that you should not seize any
12 of the vehicles or all of the vehicles in these
13 situations?
14 A No.
15 Q In fact, you have been instructed that you should seize
16 any and all of these vehicles; is that correct?
17 A That's correct.
18 Q By whom?
19 A Whoever the commanding officer was at the time. Nobody
20 came out and specifically said, "This is what we do."
21 It's part of the vice procedure, as I understood it, when
22 I got assigned to vice.
23 Q You understood this was part of vice enforcement
24 procedure; is that right?
25 A Correct.

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29 (Pages 110 to 113)

Page 110

1 Q And that therefore you understood that this was routine
2 practice and policy of the vice enforcement unit of the
3 Detroit Police Department; is that right, sir?
4 A Yes.
5 Q Now, in making a decision to seize a vehicle, was any
6 attempt made to determine what the purpose of the vehicle
7 was; in other words, whether the purpose was that the
8 person would be using the vehicle for purposes of
9 loitering in a place of illegal occupation?
10 A No.
11 Q And it wasn't done in this particular instance with the
12 CAID raid; is that correct, sir?
13 A Establishing a purpose of what the vehicle's use would be?
14 Q That's right.
15 A Other than transporting the person to the location?
16 Q Yes.
17 A No.
18 Q What was the procedure whereby vehicles were confiscated
19 and then seized? How did it work?
20 A To verify that they were seized?
21 Q No. Let's say I'm at a place that's raided, and I am
22 given a citation, and my car is parked in the parking lot.
23 How is possession of my car taken from me by the City of
24 Detroit Police Department?
25 A The officers would ask the individual if you drove or how

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1 A Okay. No, there's none listed.
2 Q If marijuana would have been found, would it have been
3 seized and itemized in the CRISNET?
4 A It would have been seized and processed and itemized
5 somewhere in a CRISNET.
6 Q So is it fair to infer from the fact that there is no
7 reference whatsoever to marijuana that none was found?
8 A As far as I know, yes. I did not search any people and
9 found marijuana on anyone myself.
10 Q Speaking of searching, people's pockets were searched?
11 A People's pockets, I believe when the narcotics crew
12 initially came in, they did a pat-down, a frisk of
13 people's outer garments for weapons. I did not see
14 people's pockets being searched.
15 Q Is it routine to go into people's pockets and see what's
16 in there in such a raid situation?
17 A Hands are made to be clearly seen. If an officer sees a
18 person reaching into their pocket or making some type of
19 gesture quickly like that, for their safety, an officer
20 may go in and crunch a pocket or ask, "What are you doing
21 there? Don't move around," things of that nature.
22 Q People's pockets were not routinely searched, however; is
23 that what you're saying?
24 A No. Correct.
25 Q Were people routinely frisked?

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1 you got there, and the answer would be given. Where your
2 vehicle -- a determination of where your vehicle was would
3 try to be established, and then the keys would be -- the
4 officer would get the keys from the individual.
5 Q And what would the officer do with the keys?
6 A Go to where the car is, do an inventory of the vehicle.
7 Impound cards would be filled out, and then the car would
8 be towed to a designated tow company.
9 Q So each of these cars was searched; is that what you're
10 saying, or should have been searched?
11 A Inventoried or searched. There's an opportunity given to
12 the individuals to get any personal belongings out.
13 Q But people whose cars are confiscated, are they told that
14 we're going to search your vehicle to see what's in there?
15 A I don't know.
16 Q By the way, in the evidence log which was Buglo Exhibit 8,
17 the evidence or the articles of property that were seized,
18 including money, do you know whether any marijuana was
19 found that night at the CAID?
20 A I do not know.
21 Q None was seized; is that correct?
22 A I would have to look through the CRISNET. I don't recall
23 seeing any seized.
24 Q None is logged or registered as far as you know; is that a
25 fair enough -- Go ahead. Take your time and take a look.

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1 A Yes.
2 Q For weapons?
3 A Yes.
4 Q Was there a procedure whereby male officers would search
5 male defendants, and female officers would search the
6 women?
7 A Yes, that's our policy.
8 Q All right. So going back to the vehicles for a moment,
9 once the officer has done an inventory of the vehicle, has
10 the keys to the vehicle, what then happens to the car?
11 A Our policy is to inventory. Before it's impounded, they
12 do an inventory of the contents of the vehicle. Two
13 impound cards are filled out. There's a forfeiture sheet
14 which I believe is filled out. Copies of the paperwork
15 are given to the individual that the vehicle was seized
16 from, and the car gets towed to a designated spot, a tow
17 yard or another designated spot.
18 Q The car gets towed even though the department has the keys
19 and can --
20 A The keys to the vehicle go with the car. Other keys,
21 personal keys like that stay with the individual.
22 Q But no one drives the vehicle; is that right?
23 A No.
24 Q No one drives the vehicle to the towing yard or
25 impoundment?

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30 (Pages 114 to 117)

Page 114

1 A No.
 2 Q Who did the towing for you on this particular raid?
 3 A I don't know. The report says AC Towing and B & T Towing
 4 B & G Towing and Gene's Towing according to the CRISNET
 5 Q B & T Towing stands for Boulevard & Trumbull Towing, if
 6 you know?
 7 A Yes, it does.
 8 Q Do you know what is required if a person wants to get
 9 their car back after it's been towed?
 10 A I know they have to go through the county. Our paperwork
 11 goes to a county prosecutor, and I know there's a fee
 12 involved that has to be paid, but as far as a waiting
 13 period, how long they have to wait, I believe there was a
 14 two-day processing waiting period for the county to get
 15 the paperwork done. I'm not very familiar with that end.
 16 Q When you say a fee has to be paid, you mean the person
 17 whose vehicle has been seized has to pay a fee in order to
 18 get the vehicle back; is that right?
 19 A Yes.
 20 Q Do you know how much it is?
 21 A At one time I believe it was \$900. I don't know if that's
 22 changed or if it's the same.
 23 Q Do you know who gets that money?
 24 A I believe the county gets a portion, and I believe the
 25 city gets a portion. I'm not positive on what the split

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1 is.
 2 Q But you were aware that the city gets a portion of that
 3 fee, is that correct, the towing fee and seizure fee?
 4 A The towing I'm not positive about. I think that's under
 5 contract with the city, but I believe of that forfeiture
 6 money there is a split between the city and the county.
 7 Q And how were you made aware of the fact that the city gets
 8 part of the money from the seizure fee?
 9 A There was the weekly stat report that we do. There was a
 10 breakdown of amount per vehicle, and there's a weekly
 11 total of revenue generated that went into that report, and
 12 that's where, when I first started doing the stat report,
 13 that I saw that.
 14 Q Were you ever commended for the number of vehicles that
 15 were seized in any particular raid because of the fact
 16 that the city would benefit financially as a result of
 17 that?
 18 A Commended?
 19 Q Yes.
 20 A No.
 21 Q Did anyone ever verbally tell you, "Good job. The city is
 22 going to be able to make some money off of this particular
 23 raid"?
 24 A We were told good job a lot, but I don't recall anybody
 25 saying, "Good job. You made the city some money." Nobody

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1 has ever said that.
 2 MR. ASHFORD: Off the record.
 3 (Discussion off the record.)
 4 BY MR. GOODMAN:
 5 Q Now, we talked a little bit about your PCRs and the level
 6 of detail that was set out in the PCRs about what you saw,
 7 what you observed, who did what, identification of people
 8 as best you could. Was any such description filled out by
 9 you in the CRISNET of this particular incident, what you
 10 saw any particular individuals doing in the course of your
 11 activity other than the undercover surveillance which you
 12 did before the raid started?
 13 A As detailed as the first two?
 14 Q Yes.
 15 A No.
 16 Q Were there any details whatsoever in the CRISNET report
 17 other than the names, addresses, dates of birth, and
 18 charge as to the people who were cited in that raid?
 19 A No.
 20 Q Why not? Why didn't you put more details in in terms of
 21 what you observed and what you saw happening at the time?
 22 A Well, there was over a hundred people in there, and
 23 there's myself and Lieutenant Yost. The engagers we try
 24 to be thorough with. The other mass of people, it's just
 25 not possible from my brain's output to try to, you know,

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1 memorize descriptions and approximate ages and things like
 2 that of over a hundred people, them being in the location.
 3 Q You were not the arresting officer on every one of these
 4 citations; isn't that right?
 5 A Nobody was arrested.
 6 Q Well, the writer of -- the issuer let's call this.
 7 A Yes, I was the issuing officer.
 8 Q You did some of the issuing of citations; is that right?
 9 A Yes.
 10 Q But not all of them?
 11 A Correct.
 12 Q Approximately how many did you do?
 13 A Three or four.
 14 Q Is there any reason why you couldn't have written down a
 15 description of the three or four people who you issued
 16 citations to?
 17 MR. ASHFORD: Objection to foundation.
 18 BY MR. GOODMAN:
 19 Q Over objection.
 20 A Just the logistical reason. I would have had to have gone
 21 back through the crowd and tried to pick out this person
 22 from that person. Getting the main engagers is a priority
 23 over the loiterers, if that makes sense.
 24 Q Even the main engagers, however, weren't described; is
 25 that right?

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31 (Pages 118 to 121)

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1 A The bartender isn't as in depth as the last time; no, they
2 weren't.
3 Q Not at all.
4 A They were described as engagers and what their function
5 was as far as bartender, doorman, things like that were.
6 Detailed clothing or facial hair, things like that, no.
7 Q So let's go back to Exhibit 4, if we may, and defendant
8 number 20, Ms. Jennifer Lynn Agar. If I asked you to
9 describe her at this point, you wouldn't be able to; am I
10 right about that?
11 A That's correct.
12 Q Blonde, brunette, tall, short, you have no idea, right?
13 A Right.
14 Q Heavy, thin, none of that?
15 A No.
16 Q Now, Miss Agar was charged with a crime, ordinance
17 violation of loitering, correct?
18 A Correct.
19 Q If she had gone to court and you had been asked to
20 identify her, would you have been able to?
21 A Depending on how quickly the case went to court after
22 issuing the citation, possibly.
23 Q Possibly not, though?
24 A Possibly not.
25 Q And you had no assurance that you would be able to

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1 identify her because you didn't have a written description
2 of her anywhere; isn't that right?
3 A Correct.
4 Q That's the reason why, when you do write detailed PCRs,
5 CRISNETs, and other police reports, you do describe people
6 as best you can, isn't it?
7 MR. ASHFORD: Objection, no foundation.
8 BY MR. GOODMAN:
9 Q Go ahead.
10 A Correct.
11 Q In the course of the raid, from what you observed, were
12 any firearms drawn by any of the officers engaged in the
13 raid when they entered the building?
14 A The narcotics crew routinely enters, makes entry with
15 weapons drawn. There's a shotgun person that has an
16 exposed shotgun, and the other members of the raid team do
17 have their side arms drawn.
18 Q And side arms would I assume be semi-automatics; is that
19 right?
20 A Yes.
21 Q And how many members of the narcotics team were there?
22 A Like I said before, there was two sergeants and two crews
23 made up of probably five to seven people, so fourteen to
24 fifteen officers, and then they were followed by other
25 vice enforcement officers which would have been three or

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1 four more.
2 Q Did you observe any physical force being used to either
3 get people to stand up or sit down or comply in any way
4 with these orders?
5 A When they first made entry, myself and Lieutenant Yost
6 were more toward the front where there were less people.
7 The majority of the people were either in the back dance
8 area, in the back outside gated area, or in the little
9 hallway. So the people that I saw, the handful that I
10 saw, the narcotics crew, as they went through, people got
11 down on the floor on their own, and I did not see any
12 assistance being given to them to get to the floor. The
13 people I saw complied verbally with the verbal commands.
14 Q So you observed no physical force whatsoever; is that
15 correct?
16 A Correct.
17 Q Did you see anyone being kicked by a police officer?
18 A No.
19 Q Have you ever heard reports of anyone being kicked by a
20 police officer?
21 A In my career?
22 Q No. In the course of this particular raid.
23 A I think afterwards I overheard somebody say that he was a
24 law student or a lawyer, and he was forced to the ground,
25 or he tried to get up and express himself, and he

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1 complained that he was forced to the ground, but I did not
2 observe it firsthand.
3 Q Do you know whether that gentleman said that he had been
4 kicked?
5 A You know, he said forced to the ground. I don't know. I
6 don't recall if he said kicked or not.
7 Q Might have?
8 A Possibly. I don't recall.
9 Q Do you recall him showing you any article of his apparel
10 that showed any footprints on his shirt let's say?
11 A No.
12 Q Did you investigate his claim that he had been forced or
13 pushed to the ground?
14 A -No.- Like I said, there's a lot of things that you hear
15 going in passing, and I believe I heard that when I was
16 getting up to walk outside to get my badge and then come
17 back in, and after that, it wasn't brought up again to my
18 attention, and I did not investigate it further.
19 Q To whom did that gentleman make that statement?
20 A I don't believe he singled out anybody. I believe he was
21 just talking.
22 Q Can you describe him physically?
23 A He was a male, and he was kind of around a corner from
24 where I was. From where I heard his voice from, he was
25 around the corner, and I believe I saw him briefly later,

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32 (Pages 122 to 125)

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1 and I believe he was ordered back down to the ground
 2 because it was in that process while people were still
 3 trying to get secured, and then after that I didn't hear
 4 anything else of it.
 5 Q Did you hear any other complaints from any other persons
 6 that they had physically been mishandled, of any physical
 7 force whatsoever?
 8 A I didn't hear of any physical force. I heard some
 9 complaints of people got dirty, because I think it was
 10 raining at one point or it had rained, and people outside,
 11 the narcotics crew made them lay on the ground, also, and
 12 there was some complaints of being made to lay on wet
 13 ground or dirty ground, things of that nature.
 14 Q How long were people detained?
 15 A From the point of entry to the last person walking out was
 16 three hours, four hours. I'm not positive of the exact
 17 time.
 18 Q Was the period of time during which they were detained
 19 there documented in any form? In other words, was there a
 20 time from the beginning of the raid, was that set out in
 21 any documentation and then for the end of the raid as
 22 well?
 23 A I don't think so. I think there would be the point from
 24 when Lieutenant Yost called to get the raid crew rolling
 25 to our off-duty time, we're usually off duty within an

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1 hour of after the last person walks out, so you could kind
 2 of ballpark it from there how long all the processing
 3 took. But from point A to point B, an exact record, I
 4 don't know.
 5 Q You indicated that a table to process people had been set
 6 up inside the establishment, the CAID; is that correct,
 7 sir?
 8 A Yes.
 9 Q Where did that table come from? Was it the property of
 10 the establishment itself, or was it brought with you by
 11 your raid team?
 12 A It was in the location. Whose property it was, I don't
 13 know, but it was in the location.
 14 Q You didn't bring that kind of thing with you; is that
 15 right?
 16 A If we did, we didn't use it. We oftentimes do bring
 17 tables and chairs, but if there's any in the facility that
 18 will suit us, then we'll use it.
 19 Q You bring tables and chairs with you for purposes of
 20 processing large numbers of people who have been detained?
 21 A We have in the past.
 22 Q Do you know if the tables and chairs were present with you
 23 on this evening, and you just didn't need to use them?
 24 A I don't know if they were present. We bring along a raid
 25 van, and sometimes it's stored in there. Whether it was

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1 there that night, I'm not sure.
 2 Q What else from the raid van do you bring into the site of
 3 a raid like this?
 4 A All the needed paperwork, the forfeiture paperwork,
 5 impound cards, extra tickets. There's a big raid box we
 6 call it. It's a plastic tub filled with those type of
 7 things. It's mostly paperwork.
 8 Q How many tickets do you routinely bring along with you on
 9 a raid such as this?
 10 A Depending on our surveillance that we do prior, I mean, we
 11 usually have a couple of hundred in the tub on hand.
 12 Q Now, with regard to locating the vehicles -- Withdraw that
 13 question.
 14 With regard to the vehicles that get impounded,
 15 seized and impounded, where are those vehicles located?
 16 A Once they're impounded?
 17 Q Before they're impounded.
 18 A Oh, there's some -- Well, the building is on a corner, so
 19 there's some on either side of either street, and there
 20 was a vacant lot north of the location that was filled
 21 with vehicles.
 22 Q Are there any guidelines in terms of which vehicles are to
 23 be seized? In other words, someone says, "Well, I drove
 24 to the State Fairgrounds in my car, and then I took a bus
 25 Downtown from the State Fairgrounds to get to this

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1 location." Would the car in which they drove to the State
 2 Fairgrounds which is parked on Woodward Avenue and Eight
 3 Mile or something like that, would that be seized?
 4 A I would not seize it.
 5 Q Who makes the decision?
 6 A Probably the -- I guess the convenience or the logistics
 7 of it would be a factor. I can't -- processing a scene
 8 like this, I can't spare an officer from there to go to
 9 Eight Mile and Woodward to get the vehicle if the vehicle
 10 is in fact there. Whether you would believe the person or
 11 not would be a factor.
 12 Q Suppose someone says, "Well, I drove about a half mile
 13 over to my boyfriend's house, and he drove me the rest of
 14 the way over here," would you go over a half mile away and
 15 pick the car up and seize and impound it?
 16 A The boyfriend drops her off, she stays, he goes back?
 17 Q Let's say.
 18 A I would not.
 19 Q What if the boyfriend stayed?
 20 A He was in the location during the time of the raid?
 21 Q Right.
 22 A His vehicle would most likely be impounded.
 23 Q What about the girlfriend's vehicle that's a half mile
 24 away at his house?
 25 A No.

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33 (Pages 126 to 129)

Page 126

1 Q Why not?

2 A I guess, because those two are in that place at the time

3 of the raid, and his vehicle was there, he transported

4 them there, her vehicle isn't attached.

5 Q So is it a matter of practicality, what is practical in

6 terms of seizing someone's vehicle?

7 A Practicality and discretionary.

8 Q Well, what factors play upon one's discretion, deciding

9 whether or not to seize a vehicle or not?

10 A Just the things you mentioned there, the location of the

11 State Fairgrounds, whether or not it's actually there. A

12 girlfriend driving to her boyfriend's house, and then they

13 both get in his car and go there, that would be a

14 discretionary thing.

15 Q Once the raid started, as I understand your testimony,

16 everybody who was in the location was detained, ticketed

17 and if they had a vehicle, the vehicle was towed. Is that

18 your testimony, sir?

19 A That's my understanding.

20 Q In your judgment, as a law enforcement officer, did the

21 search warrant by itself authorize you to do those things

22 on that particular evening?

23 A Do which things, sir?

24 Q To detain and ticket people and tow their cars.

25 A Did the search warrant give me -- Could you repeat the

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1 question?

2 Q Did the search warrant give you the authority to detain

3 the people who you detained that night?

4 A Yes.

5 Q And to ticket them as well?

6 A Yes.

7 Q And then to tow their vehicles as well; is that correct,

8 sir?

9 A That's my understanding.

10 (Discussion off the record.)

11 (WHEREUPON, Deposition Exhibit 10

12 was marked for identification.)

13 BY MR. GOODMAN:

14 Q I'm handing you what has been marked Buglo Exhibit No. 10.

15 Can you identify this, sir?

16 A It's the Nuisance Abatement Statute.

17 Q And a Raid Execution/Blind Pig policy, is that correct,

18 sir?

19 A Correct.

20 Q Have you seen this before?

21 A No.

22 Q I want you just to take a minute and take a look at the

23 Raid Execution/Blind Pig Policy. I may have one or two

24 questions about that.

25 A Okay.

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1 Q Sergeant Buglo, you have now read the Raid Execution/Blind

2 Pig portion of Exhibit 10; is that correct, sir?

3 A That's correct.

4 Q Does the information that's contained in that exhibit

5 conform with your understanding of what the policy is to

6 be in connection with a blind pig raid?

7 A Yes.

8 Q Starting at the bottom of the front page of this exhibit,

9 it says, "The OIC shall be updated on the planned raid."

10 Who is the OIC in this particular instance, if you know?

11 A Lieutenant Yost.

12 Q And then it says, "The raid commander shall have

13 operational control over the raid and designate

14 assignments of personnel." Who was the raid commander of

15 this particular operation, if you know?

16 MR. ASHFORD: Objection, asked and answered.

17 MR. GOODMAN: Yeah, but I would like an answer

18 with reference to this exhibit.

19 MR. ASHFORD: Go ahead.

20 THE WITNESS: It would have been one of the

21 sergeants from narcotics.

22 BY MR. GOODMAN:

23 Q And who are the sergeants from narcotics, if you know?

24 A I don't know.

25 Q Do you know whether assignments were designated to

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1 personnel in this particular raid?

2 A The narcotics crews have a predesignated shotgun person,

3 and they do have assignments. I have briefed with

4 narcotics on several raids before, and they do all have

5 specific job assignments. I know this wouldn't be any

6 different. I wasn't there for them handing out their

7 assignments, but that's policy.

8 Q At the bottom, turning to the back of this exhibit, toward

9 the middle there's a statement, quote, "Under no

10 circumstances shall a raid be conducted without the

11 presence of the uniformed officers and fully marked unit,"

12 unquote. Do you see that?

13 A Yes.

14 Q And were there uniformed officers present at this raid?

15 A Yes.

16 Q And a fully marked unit?

17 A Probably several. I know more than one. Those would be

18 the officers from tactical mobile. They're fully

19 uniformed and fully marked scout cars. They would have

20 been the outer perimeter securing.

21 Q Now, under "Raid Procedures," do you see that portion of

22 the exhibit?

23 A Yes.

24 Q There's a list of actions that are to happen, and they

25 read as follows as I see them: Assignments, entry,

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34 (Pages 130 to 133)

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1 identification of all engager, and seizure of persons and
 2 evidence. Is that right? Do you see that?
 3 A Yes, I see that.
 4 Q Is that your understanding of the different components
 5 after the raid entry?
 6 A Yes.
 7 Q And they are to occur in this chronological order, first
 8 assignments, then entry, then identification of all
 9 engager, then seizure of persons and evidence; is that
 10 right?
 11 A Yeah. The identification of all engagers, I mean, that
 12 was done by Lieutenant Yost and myself, so they were
 13 identified actually before entry, if that matters, that
 14 specific order there. I mean, if that went out of order,
 15 then that went out of order. It's not hard and fast. I
 16 mean, the engagers were identified by us before the actual
 17 entry was made, if that makes sense.
 18 Q Then it says, under "Prisoner Processing: Information on
 19 all of the patrons (loiterers) shall be recorded before a
 20 disposition is made on these individuals." Do you see
 21 that?
 22 A Yes.
 23 Q Do you understand what is meant by the word "disposition"
 24 there?
 25 A Whether they can go or stay.

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1 Q Whether they're to be charged with violation of the
 2 loitering ordinance or not?
 3 A Possibly, yes.
 4 Q Then it says, "This disposition will be at the discretion
 5 of the raid commander." Do you see that?
 6 A Yes.
 7 Q You don't know who the raid commander was in this
 8 particular instance. It was one of the sergeants from
 9 narcotics; is that correct?
 10 A That's typically how it works, yes.
 11 Q Do you know whether a raid commander made the decision as
 12 to each particular individual as to whether or not they
 13 would be ticketed or not?
 14 A I do not.
 15 Q Did you see anyone conferring with a raid commander on
 16 each individual citation in determining whether or not
 17 there would be any basis for not --
 18 A No.
 19 Q -- issuing a citation?
 20 A No.
 21 Q Then at the bottom of this exhibit there is a procedure
 22 for secondary assignments of police personnel and how they
 23 are to proceed in terms of handling evidence, prisoners,
 24 vehicles, and so on; is that right?
 25 A Yes.

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1 Q And it says, in point 3, a photo of all the engagers and
 2 loiterers are to be taken. Is that right, sir?
 3 A Yes.
 4 Q Were photos taken in this case?
 5 A No.
 6 Q And why not?
 7 A I don't believe the vice unit was issued a camera by the
 8 department.
 9 Q Now, has it been your experience that when people are
 10 cited for loitering, there are hearings in the 36th
 11 District Court or some court?
 12 A Yes.
 13 Q In order to determine guilt?
 14 A Yes.
 15 Q Have you appeared at such hearings?
 16 A Yes.
 17 Q Have you testified?
 18 A I don't recall ever testifying. Most of the defendants
 19 take some type of plea agreement.
 20 Q Did you appear on the particular charges that were issued
 21 on this night, May 31st?
 22 A No. I don't recall appearing for any of the citations for
 23 this date.
 24 Q Do you know why?
 25 A I believe there was an injunction possibly. I don't know

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1 what the legal hangup was, but I believe there was a legal
 2 hangup with them, and I don't know if they are still in
 3 limbo, but they were in limbo for a while or possibly not,
 4 but I haven't testified on any of them.
 5 Q Did you talk to a prosecutor about what was going on and
 6 whether there would be a prosecution?
 7 A No.
 8 Q Did you ever talk to Lieutenant Yost about that?
 9 A I believe Lieutenant Yost informed me there was a lawsuit
 10 going on, and they were being held up, but as far as the
 11 specifics of it, I don't recall any.
 12 Q Did she ever tell you that the cases had been dismissed or
 13 were going to be dismissed?
 14 A She said that they were on that track, that there was a
 15 legal fight to get them dismissed. Whether or not they
 16 were eventually, I don't know.
 17 Q Did she ever indicate to you that she had agreed that all
 18 of the charges should be dismissed?
 19 A No.
 20 Q Did she ever ask your opinion about whether the charges
 21 should be dismissed?
 22 A No.
 23 MR. GOODMAN: Can we take a brief break here?
 24 (Discussion off the record.)
 25 BY MR. GOODMAN:

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35 (Pages 134 to 137)

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1 Q Sergeant, I think you indicated that the people who were
2 issued citations on this particular evening, which would
3 have been May 31st, 2008, at the CAID, there was a
4 processing context in which people -- information was
5 taken, people were handed a citation after they had been
6 forced to lie on the floor, sit on the floor, and then
7 were they released after they were processed, sir?
8 A Yes.
9 Q And I think you said that it might have taken three to
10 four hours before the last person was released; is that
11 correct, sir?
12 A That was an approximation, yes.
13 Q How soon was it before the first person was released in
14 that group after the police entered the premises?
15 A Between thirty minutes and an hour I would estimate.
16 Q Okay. How is it decided who would go first and then who
17 would go later?
18 MR. ASHFORD: Objection to the form, garbled.
19 Counsel, if you're going to keep me here all day, I'm
20 going to have fun.
21 MR. KOROBKIN: That's the food-in-the-mouth
22 objection.
23 MR. ASHFORD: That's the food-in-the-mouth
24 objection. Go ahead. You can answer.
25 THE WITNESS: There's no formal decision process

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1 Q Were people told that they could sit or that they had to
2 remain lying down, if you know?
3 A I don't know.
4 Q Did you see any people kneeling?
5 A I don't know if they were kneeling or sitting. They were
6 in a raised position, not laying. Some people were higher
7 up than others.
8 Q I'm sorry.
9 A Some people were higher up than others, so they were
10 either kneeling or sitting.
11 Q Did you hear anybody saying that they were uncomfortable
12 in the position they were in other than the people who
13 were complaining about getting dirty?
14 A I don't recall anyone saying that they were uncomfortable.
15 Q How many people complained about getting dirty?
16 A I don't know an exact number.
17 Q More than one?
18 A From the voices that I heard from where my position was, I
19 would say, yes, it was more than one. I heard more than
20 one voice.
21 Q How long did you personally stay at the location?
22 A Until I was either the last one to leave or Lieutenant
23 Yost was the last one to leave. I was one of the last two
24 or three people to leave.
25 Q Were any of the people that were issued citations still

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1 of who goes first and who goes last. I believe it was
2 determined just from who was closest to the processing
3 table from front to back.
4 BY MR. GOODMAN:
5 Q Well, somebody had to be calling the people up and saying
6 you go now, you go next, you go next. Who was doing that?
7 A Officers at the processing table.
8 Q Were there any supervisors at the processing table?
9 A I don't know.
10 Q You indicated that for a while you lay on the floor, and
11 then you sat up with your legs crossed in front of you; is
12 that correct? Do you remember that?
13 A Yes. I believe I had my legs -- just my knees up. They
14 weren't crossed, but I did sit up, yes.
15 Q With your knees folded in front of you; is that right,
16 sir?
17 A It was a sitting position.
18 Q Did anybody tell you you could rise from the lying
19 position to a sitting position?
20 A No.
21 Q When you sat up and looked around, did you see other
22 people lying down?
23 A Yes.
24 Q Did you see other people sitting up?
25 A Yes.

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1 there when you left?
2 A Yes.
3 Q And who was processing those people when you left?
4 A I believe there was a man named Timlin there that we
5 turned the building over to. I believe it was his
6 building.
7 Q This was Mr. Aaron Timlin?
8 A I don't remember his first name.
9 Q He was the only person who was left when you left?
10 A There may have been -- I don't know. There were other
11 people milling about. I don't know if they knew him or
12 what they were doing, but they were free to go. They
13 weren't under our control anymore.
14 Q Speaking of free to go, before people were discharged at
15 the processing table or after the processing table, they
16 were not free to go, were they?
17 A They were being detained until we processed -- finished
18 processing.
19 Q So the answer to my question would be that they were not
20 free to go, correct?
21 A Correct.
22 Q I want to ask a little bit about the attire or dress of
23 the people who came in as a part of the raid. Can you
24 describe that, please?
25 A The raid teams were what we call masked up. They have

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36 (Pages 138 to 141)

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1 face masks on.
 2 Q By face masks, what do you mean?
 3 A Their faces are covered; their nose and eyes are exposed.
 4 Q Is this something that's also known as a balaclava? Have
 5 you heard that?
 6 A Yes, I have heard that. That is comparable to the gear
 7 they wear, and the rest are a uniform that's black like
 8 mine. And they're in black shirt and black pants much
 9 like I'm wearing, but I don't believe they have name tags
 10 or their badges or patches. I think they have a narcotics
 11 patch on.
 12 Q The narcotics patch being what? Can you describe that,
 13 please?
 14 A It's their unit insignia patch. It says Detroit Police
 15 Narcotics. I believe it's gray and white.
 16 Q As far as personal identification of the officers, if I
 17 were to encounter you on the street, I would know your
 18 name immediately because you have a name tag on your shirt
 19 there, right?
 20 A Correct.
 21 Q What about the officers that came in on the raid the night
 22 of May 31st, 2008?
 23 A I don't know if they have name tags embossed on their
 24 shirt. There is a police patch on either the left or
 25 right side, and there's a big police patch on the rear of

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1 the shirt, also.
 2 Q So that would identify them as being members of the
 3 Detroit Police Department, is that correct?
 4 A Yes.
 5 Q Would it identify them by name?
 6 A No.
 7 Q Did they have anything on them that would allow a person
 8 who was seated on the floor or who was being detained to
 9 identify them by name other than asking the person's name?
 10 A No.
 11 Q Did they have any kind of shields or formal -- any kind of
 12 protection like such as a shield? Do you know what I mean
 13 by shield? Riot gear.
 14 A No.
 15 Q Was anyone carrying a flashlight?
 16 A Yes.
 17 Q How many of the officers had flashlights?
 18 A I don't know.
 19 Q Were the flashlights on?
 20 A I don't recall. In our front room, it was lit up pretty
 21 well, but every officer routinely carries a flashlight.
 22 Q Now, you had engaged in undercover surveillance of this
 23 location on three separate occasions; is that right?
 24 A Yes.
 25 Q Had you ever been there before that, by the way?

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1 A No.
 2 Q For any reason?
 3 A No.
 4 Q During the times that you engaged in surveillance, had you
 5 observed any weapons being handled or held or in the
 6 possession of anyone?
 7 A No.
 8 Q Your first surveillance opportunity or event on March the
 9 29th lasted for how long?
 10 A Maybe a half hour, approximately a half an hour.
 11 Q What about the second one where you actually entered the
 12 premises and had a couple glasses of beer?
 13 A I think that was approximately an hour and a half.
 14 Q And what about the third, which is when you entered before
 15 the raid occurred and were on the premises for some period
 16 of time; how long did that last?
 17 A I believe it was a little less than an hour.
 18 Q In any of the complaints that you or your unit had
 19 received in connection with this location, had anybody
 20 said that weapons were being brandished or held or used or
 21 were present?
 22 A Not that I recall.
 23 Q You mentioned a raid kit before or something like that
 24 which you said was kind of a bin in which different
 25 documents and equipment were held. Do you recall that?

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1 A Yes.
 2 Q Were there interrogation sheets in this raid bin?
 3 A I don't know for sure.
 4 Q Have you ever seen such a thing as an interrogation sheet?
 5 A Yes.
 6 Q And is that something that the vice enforcement unit used
 7 routinely?
 8 A Not routinely. Three of the officers that were assigned
 9 to vice were transferred there from narcotics, and
 10 narcotics routinely used those sheets; and during some of
 11 our vice operations, we would confiscate narcotics, and
 12 those officers would fill out an interrogation sheet
 13 during the prisoner processing.
 14 Q And the interrogation sheet would record what was said
 15 between the officer and the suspect?
 16 A If I filled out an interrogation sheet, it was years ago,
 17 so I don't really recall what the procedure is. I know it
 18 is required with narcotic arrests, so I can't speak on
 19 that with any good authority.
 20 Q Are you saying that it was rarely used during vice
 21 enforcement operations?
 22 A No. I said it was routinely used when we got drugs off a
 23 prostitute or off of any investigation, that was part of
 24 the narcotic case packet. An interrogation sheet is a
 25 required piece in that process.

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37 (Pages 142 to 145)

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1 Q If there were no drugs that were confiscated or found,
2 would an interrogation sheet be used?
3 A I don't know. I don't know that that interrogation sheet
4 is the sole function of a narcotics arrest. It may be
5 used for a homicide arrest or questioning suspects. I
6 can't speak on it all that intelligently. It doesn't come
7 across in my day-to-day operation.
8 Q Is there a form number for the interrogation sheet?
9 A Each department, I believe, has a form number, so there
10 should be a form number on it.
11 Q Is it something known as DPD form number 419?
12 A I don't know.
13 Q I mentioned previously raids that had taken place at a
14 location known as the Spoon Room. Do you remember that
15 location?
16 A Yes.
17 Q Do you remember anything about those raids at all?
18 A I believe we raided that location twice.
19 Q Yes. Okay. I believe you're right. And what do you
20 remember about the locations?
21 A The first or second?
22 Q First.
23 A The first, we had a search warrant, and we executed it,
24 and if I remember correctly, when we got the raid team
25 rolling, a gang squad unit pulled up in front and got

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1 locked out, and we had to do a forced entry. I don't
2 remember if that was the first or second one, but one of
3 those times there was a conflict with us and a gang squad,
4 a couple of gang squad cars.
5 Q Where was the Spoon Room located, if you recall?
6 A It's on Schaefer just north of Lyndon.
7 MR. GOODMAN: Would you mark that as 11, I
8 guess?
9 (WHEREUPON, Deposition Exhibits 11 & 12
10 were marked for identification.)
11 BY MR. GOODMAN:
12 Q Okay. I'm going to hand you what has been marked Buglo
13 Deposition Exhibits 11 and 12, and I think these are
14 descriptions or CRISNETs for both of the raids that you
15 mentioned. If you would, just take a few minutes. Go
16 through them so that you can sort out in your own mind
17 which is which, and then tell us about it.
18 A Okay.
19 Q One of the Spoon Room raids occurred in October of '07,
20 and the next one occurred the following month in November
21 of '07; is that correct?
22 A Yes.
23 Q And were you the reporting officer on each of those
24 incidents?
25 A For the listing of the ordinances that were issued, yes.

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1 I was not the undercover officer like I was at the CAID.
2 Q And when you say for the listing of the ordinances, that
3 would be the raid that occurred in November; am I right?
4 A Yes.
5 Q All right. Which, for the record, let me just see, would
6 be Exhibit 12, and then the October --
7 A -- is 11.
8 Q Exhibit 11 is October 8. Which of these two raids is the
9 raid in which you crossed-threaded with the gang squad?
10 A I don't remember.
11 Q Let me ask you, how is it you managed to conduct a raid in
12 October and then go back and conduct a similar raid a
13 month later without, you know, any precautions being taken
14 by the Spoon Room?
15 A The location was being rented out by a lady to different
16 entities to have parties, and she had a manager -- I don't
17 recall his name right now -- who was renting it out to
18 different people to have different functions there. After
19 we raided it the first time, we routinely drive by places
20 that we raid a week or so later to see if they pop back
21 up, and this place did pop back up.
22 Q So the second group didn't even know about the first raid
23 perhaps?
24 A Perhaps. I don't know.
25 Q And in the first raid, how many people were issued

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1 citations?
2 A I'd have to count. If you give me a minute, I'll count
3 them up.
4 Q Here. I think I have a rough estimate here.
5 A Okay.
6 Q Is it fair to say that approximately seventy-five people
7 were charged in that raid?
8 A That would be fair.
9 Q And, again, was this a situation where everybody who was
10 at the location was charged?
11 A I don't know.
12 Q You have no recollection. Were you present?
13 A I was present. I don't know if every single person that
14 was in there got a ticket or not or if there was an
15 instance where somebody was not issued one.
16 Q And what was the illegal occupation that was going on at
17 the Spoon Room?
18 A There was a full bar. They were charging cover to get in.
19 They had a full bar set up. They had entertainment, a
20 disc jockey, doorman.
21 Q No license?
22 A No license, that's correct, no business license, no liquor
23 license.
24 Q Were there sales after two a.m.?
25 A I don't know. I believe our -- I don't know.

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38 (Pages 146 to 149)

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1 Q At any rate, almost everybody who was at the location was
2 arrested at that time; is that right?
3 A They were detained and issued citations and released.
4 Q Excuse me. That's right. Issued citations. And those
5 citations were issued based solely upon the fact that they
6 were present at the location at the time; is that correct?
7 A I wasn't the undercover officer during that, so if there
8 were citations or arrests due to their observations, I
9 don't know.
10 Q Well, looking at Exhibit 11, everyone there, other than
11 the people who were what you might call engagers, were
12 charged with loitering, violation of the loitering
13 ordinances; is that correct?
14 A Correct.
15 Q And are you aware, as the person who entered this report,
16 of any circumstances with regard to any of these
17 individuals, other than their presence at the Spoon Room,
18 that would have subjected them to criminal liability
19 pursuant to the loitering ordinance?
20 A No.
21 Q Is the same thing true for Exhibit 12 which would be the
22 November Spoon Room raid?
23 A Yes.
24 Q And how many people, approximately, were arrested at that
25 time?

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1 A Zero.
2 Q Excuse me. Were issued citations, how many people?
3 A I'd have to count.
4 Q If I were to say approximately --
5 MR. ASHFORD: If you know.
6 BY MR. GOODMAN:
7 Q If I were to say approximately ninety-five, would that
8 appear to be correct?
9 A Looking at the pages of how many pages it took to record
10 the names, that could be correct.
11 Q Were you also present at a raid at a location known as the
12 Cozy House?
13 A Yes.
14 Q And where is the Cozy House, if you know?
15 A It's on Six Mile. I'm not sure. Six Mile and Livernois
16 area, I believe.
17 (Discussion off the record.)
18 BY MR. GOODMAN:
19 Q Do you remember when the Cozy House raid was?
20 A No, I don't.
21 Q We're going to look for the records now, but my notes
22 indicate that it was April 5th, 2008. Does that sound
23 more or less correct to you?
24 A Could be.
25 Q All right.

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1 (WHEREUPON, Deposition Exhibit 13
2 was marked for identification.)
3 BY MR. GOODMAN:
4 Q Tell me when you're done, if you would.
5 A You can go ahead, sir.
6 Q Approximately how many people were issued citations in
7 connection with this raid? And if I were to say -- would
8 an approximation of approximately 104 people sound correct
9 to you?
10 A Yes.
11 Q And were you present at this raid?
12 A Yes, I was.
13 Q And what was the illegal occupation that was going on at
14 that time?
15 A It was an unlicensed establishment charging a cover charge
16 for me to go in. They were selling alcohol. There was
17 drug use on the premises.
18 Q You issued a number of citations in this particular
19 instance; is that correct?
20 A Yes.
21 Q Again, pursuant to the same ordinance, loitering in a
22 place of illegal occupation; is that correct?
23 A Correct.
24 Q And the illegal occupation would have been the illegal
25 sale of alcohol and some drug use; is that correct, sir?

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1 A Correct. I believe we took a couple of firearms out of
2 the place, also.
3 Q I believe you did. And you made a number of -- you issued
4 a number of citations yourself during this particular
5 operation; is that correct?
6 A Yes.
7 Q And the people to whom you issued your citations were
8 issued citations based solely upon their presence at this
9 location at the time of the raid; is that correct?
10 A Correct.
11 Q And as far as you know, that would be true of the others
12 as well? At least you know of no other reason why any
13 others were issued citations; is that a fair statement?
14 A Yes.
15 Q Just one moment. I don't believe I have any more
16 questions, but I need to consult with my fellow counsel.
17 Give us a half a minute.
18 (Discussion off the record.)
19 MR. GOODMAN: I have no further questions, but I
20 would like to make one brief statement here for the record
21 which is that we have been advised, in the course of this
22 deposition, of the following materials of which we have
23 not -- with which we have not been provided despite the
24 fact they have been requested in discovery. One, training
25 material from the annual forty-hour block training; two,

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39 (Pages 150 to 151)

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1 Sergeant Buglo's annual evaluations from his date of hire
 2 to the present. Only two were produced, and there are
 3 more. Three, the monthly tally sheets; four, a cover
 4 sheet that is done at the end of every shift; five, the
 5 weekly statistical reports; six, the raid plan for the
 6 raid at the CAID on May 31st, 2008.

7 MR. ASHFORD: I have no questions.

8 (Deposition concluded at 3:20 p.m.)

9 ---

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1 STATE OF MICHIGAN)
 2) ss.
 3 COUNTY OF OAKLAND)

4 I, Denise Moorfoot, a Notary Public in and for
 5 the above county and state, do hereby certify that the
 6 witness, whose attached deposition was taken before me in
 7 the entitled cause on the date and the time and place
 8 hereinbefore set forth, was by me first duly sworn to
 9 testify to the truth, the whole truth and nothing but the
 10 truth; that the testimony contained in said deposition was
 11 by me reduced to writing in the presence of said witness
 12 by means of stenography; that said testimony was
 13 thereafter reduced to written form by mechanical means;
 14 and that the deposition is, to the best of my knowledge
 15 and belief, a true and correct transcript of my
 16 stenographic notes so taken.

17 I further certify that I am not of counsel to
 18 either party nor interested in the event of this cause.

19 *Denise Moorfoot*
 20 _____
 21 Denise Moorfoot
 22 Notary Public, Oakland County
 23 Acting in the County of Wayne
 24 My commission expires: 10-30-11
 25



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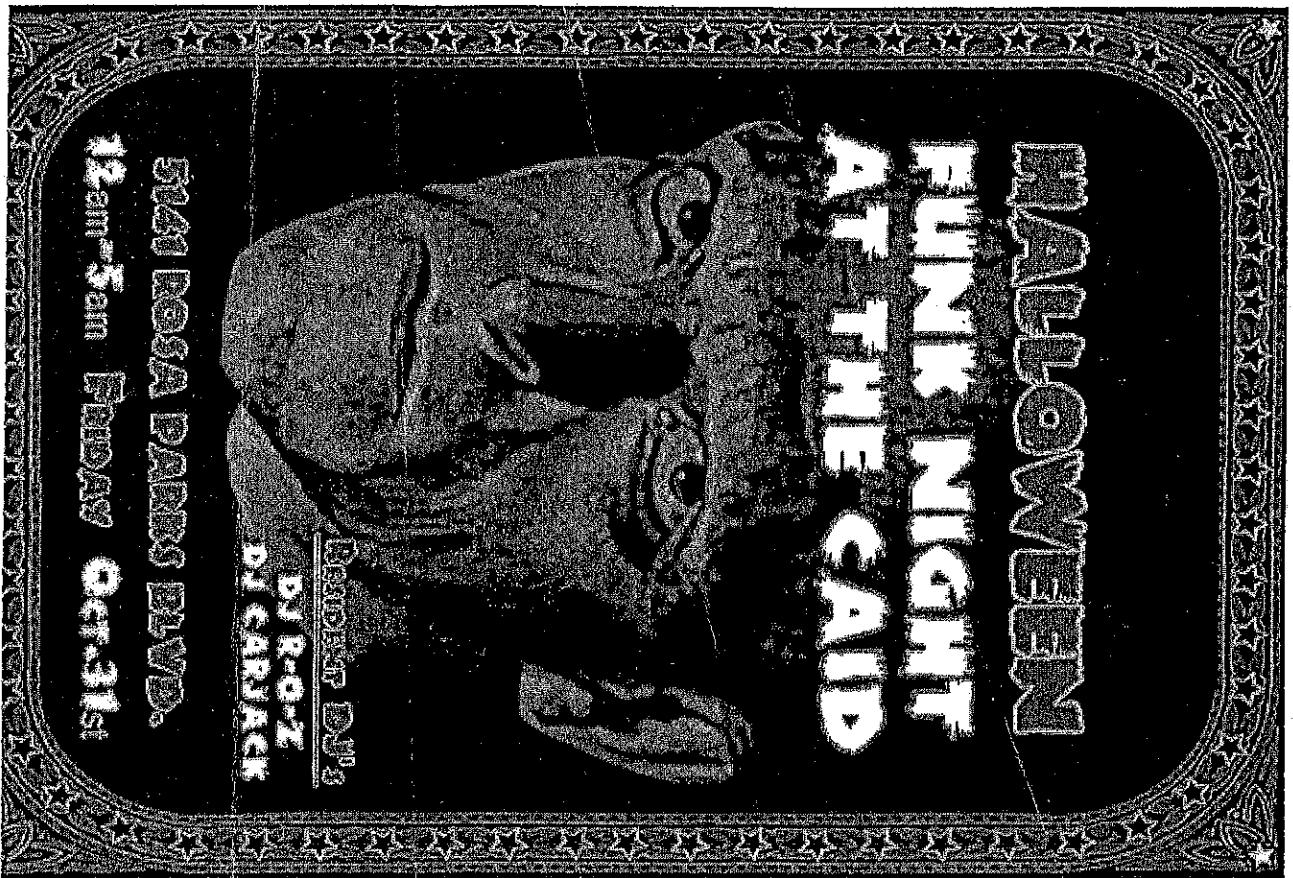
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deep funk celebration.
with DJ R-O-Z spinning FUNK, SOUL and rare 45's all r

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at 313.899-CAID or via e-mail at info@thecaid.org. Fun
the Contemporary Art Institute of Detroit located on 514

<http://www.thecaid.org/>



10/17/2008

EXHIBIT 6



PRELIMINARY COMPLAINT RECORD

REPORT ON
BLIND PIG ACTIVITY

ASSIGNED TO NAME AND BADGE

INCIDENT NO

COMPLAINT NO

PLACE OF OCCURRENCE

☒ ON STREET **5141 ROSA PARKS**

NAME & TYPE OF BUSINESS

TYPE OF BLDG (APT. HOTEL, PRIV RES. ETC)

Business/Art Center

OCCURRED ON OR BTW	DATE 03/29/08	DAY SAT	TIME 1:40AM
AND			
REPORTED TO POLICE			

CENSUS
NIGHT

SCA

PERSON REPORTING OFFENSE

Daniel Buglo

TITLE

Sgt.

ADDRESS

Vice

PHONE

596-2324

AGE

R/S

COMPLAINANT'S NAME

ADDRESS

PHONE

AGE

R/S

WAS COMP WORKING? IF YES - OCCUPATION, BUSINESS NAME & ADDRESS

WAS COMP INJURED?

☐ YES ☐ NO

METHOD OF ENTRY

☐ UNK

METHOD OF ESCAPE

☐ UNK

DESCRIBE WEAPON

☐ UNK

NO OF PERPETRATORS

☐ UNK

DESCRIBE: MALE

☐ UNK

FEMALE

ADULT

JUVENILE

RACE: BLACK

WHITE

OTHER

TOTAL VALUE:

VICTIM PERP RELATIONSHIP

UNITS NOTIFIED

NAME

TIME:

DATE:

WERE THE FOLLOWING SOLVABILITY FACTORS PRESENT IN THIS INCIDENT?

ARRESTS

☐ YES☒ NO

DESCRIPTIONS

☒ YES☐ NO

WITNESSES

☐ YES☒ NO

LICENSE NUMBERS

☐ YES☒ NO

EVIDENCE

☐ YES☒ NO

WRITER AND LT. VICKI YOST, BADGE L-112, WORKING IN AN UNDERCOVER CAPACITY, INVESTIGATED A COMPLT. OF ILLEGAL/BLIND PIG ACTIVITY AT THE ABOVE ADDRESS. AT LOCATION, WRITER OBSERVED SEVERAL WHITE MALES AND FEMALES ENTERING THE LOCATION THROUGH THE SIDE (NORTH) DOOR. WRITER OBSERVED ONE W/M EXIT HIS VEHICLE AND CONCEAL WHAT APPEARED TO BE A FIFTH OF LIQUOR IN HIS LEFT FRONT PANT POCKET AND PROCEED TO THE ENTRANCE OF THE LOCATION. WRITER OBSERVED A W/F OUTSIDE OF THE ENTRANCE DRINKING FROM A BEER BOTTLE. WRITER AND PARTNER BOTH SMELLED A STRONG ODOR OF MARIJUANA COMING FROM AN ATTACHED OUTSIDE PATIO AREA WHERE SEVERAL PERSONS WERE GATHERED. WRITER OBSERVED APPROX. 50-60 VEHICLES PARKED IN FRONT OF, ON THE SIDE OF, AND IN THE PARKING LOT NORTH OF THE LOCATION. DURING OUR SURVEILLANCE, WRITER AND PARTNER OBSERVED APPROX. 15-20 WHITE MALES AND FEMALES ENTER THE LOCATION. MUSIC WAS HEARD COMING FROM INSIDE THE LOCATION AS WELL.

REPORTING OFFICER Daniel Buglo SIGNATURE: 	OTHER OFFICERS INVOLVED Lt. Vicki Yost	BADGE L-112	COMMAND VICE	FUR
BADGE S-444	COMMAND VICE	ASSGN 3403	FUR	
SUPERVISOR CHECKING REPORT (PRINT)	RANK	SIGNATURE	COMPUTER ENTRY BY	

EXHIBIT 7



PRELIMINARY COMPLAINT RECORD

REPORT ON
BLIND PIG ACTIVITY

ASSIGNED TO NAME AND BADGE

INCIDENT NO

COMPLAINT NO

PLACE OF OCCURRENCE
☒ ON STREET **5141 ROSA PARKS**NAME & TYPE OF BUSINESS
Contemporary Art Institute
TYPE OF BLDG (APT. HOTEL, PRIV RES. ETC)
Business

OCCURRED ON OR BTW	DATE 04/26/08	DAY SAT	TIME 0100
AND	04/26/08	SAT	0230
REPORTED TO POLICE			

CENSUS

SCA

PERSON REPORTING OFFENSE
Daniel BugloTITLE
SgtADDRESS
Vice Enforcement

PHONE

AGE

R/S

COMPLAINANT'S NAME

ADDRESS

PHONE

AGE

R/S

WAS COMP WORKING? IF YES - OCCUPATION, BUSINESS NAME & ADDRESS

WAS COMP INJURED?

☐ YES ☐ NO

METHOD OF ENTRY

☐ UNK

METHOD OF ESCAPE

☐ UNK

DESCRIBE WEAPON

☐ UNK

NO OF PERPETRATORS

DESCRIBE: MALE

FEMALE

ADULT

JUVENILE

RACE: BLACK

WHITE

OTHER

TOTAL VALUE:

☐ UNK☐ UNK

NAME

VICTIM PERP RELATIONSHIP

UNITS NOTIFIED

TIME:

DATE:

WERE THE FOLLOWING SOLVABILITY FACTORS PRESENT IN THIS INCIDENT?

ARRESTS

☐ YES ☒ NO

DESCRIPTIONS

☒ YES ☐ NO

WITNESSES

☒ YES ☐ NO

LICENSE NUMBERS

☐ YES ☒ NO

EVIDENCE

☐ YES ☒ NO

WRITER, SGT. DANIEL BUGLO, S-444, AND LT. VICKI YOST, L-112, BOTH ASSIGNED TO VICE ENFORCEMENT, ENTERED THE ABOVE LOCATION IN AN UNDERCOVER CAPACITY IN ORDER TO INVESTIGATE A COMPLAINT OF ILLEGAL "BLIND PIG" ACTIVITY THAT OCCURS THE LAST FRIDAY OF EACH MONTH. BOTH OFFICERS PAID \$5.00 COVER CHARGE TO A W/M/30-35, HEAVY SET, BALD, CHIN GOATEE, AND \$3.00 EACH FOR A ONE MONTH MEMBERSHIP AND WERE THEN ALLOWED TO ENTER THE LOCATION. BOTH OFFICERS APPROACHED THE BAR AND OBSERVED BEER ON TAP (BUDWEISER SELECT) AND BOXED WINE FOR SALE. BOTH OFFICERS PURCHASED A CUP OF BEER FOR \$3.00 EACH FROM A W/F/20-25, SHOULDER LENGTH BLONDE HAIR, TATOO ON LEFT WRIST OF CHINESE LETTERS, AND MINGLED WITH THE CROWD OF APPROX. 100 PEOPLE. A LIVE BAND WAS PLAYING AND A DJ BOOTH WAS ACTIVE. BOTH OFFICERS ENTERED THE OUTSIDE FENCED IN YARD, SOUTH OF THE BUILDING. WRITER OBSERVED SEVERAL PEOPLE WITH CANS OF BEER, LIQUOR BOTTLES, AND SODA CONTAINERS. ALL WERE ALLOWED TO BE BROUGHT IN BY PATRONS. BOTH OFFICERS OBSERVED SEVERAL PEOPLE SMOKING WHAT APPEARED TO BE MARIJUANA (BY SIGHT AND SMELL.) BOTH OFFICERS SAT AT A PICNIC TABLE AND OBSERVED A W/M/19-22 NAMED DAN TAKE OUT A BAGGIE OF SUSPECTED MARIJUANA AND ROLL 3 MARIJUANA CIGARETTES. THE CIGARETTES WERE LIT AND PASSED AROUND THE GROUP SITTING/STANDING AROUND THE PICNIC TABLE. AT APPROX. 0220 HOURS, WRITER PURCHASED ANOTHER BEER FROM THE OPEN BAR. WRITER AND PARTNER EXITED THE LOCATION AT APPROX. 0230 HOURS AND OBSERVED APPROX. 10 PEOPLE STANDING IN LINE OUTSIDE OF THE DOOR, WAITING TO GET IN. VEHICLES WERE PULLING INTO LOCATION'S PARKING LOT AS WRITER DROVE OFF.

REPORTING OFFICER Daniel Buglo S-444, Vice SIGNATURE:	OTHER OFFICERS INVOLVED Vicki Yost	BADGE L-112	COMMAND VICE	FUR
BADGE	COMMAND	ASSGN	FUR	
SUPERVISOR CHECKING REPORT (PRINT)	RANK	SIGNATURE	COMPUTER ENTRY BY	

D.P.D. 108 C of D-783-RE (Rev. 9-81) (FOUR COPIES TO BE MADE ON EACH PRELIMINARY COMPLAINT RECORD PLUS EXTRAS AS NEEDED) DETROIT POLICE DEPARTMENT

EXHIBIT 8

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

4 IAN MOBLEY, KIMBERLY MOBLEY,
5 PAUL KAISER, ANGIE WONG,
6 JAMES WASHINGTON, NATHANIEL
7 PRICE, JEROME PRICE,
8 STEPHANIE HOLLANDER, JASON
9 LEVERETTE-SAUNDERS, WANDA
10 LEVERETTE, DARLENE HELLENBERG,
11 THOMAS MAHLER, and LAURA MAHLER,

12 Plaintiffs,

13 -vs-

14 No. 10-10675

15 CITY OF DETROIT, VICKI YOST,
16 and DANIEL BUGLO,

17 Defendants.

18 The deposition of JASON

19 LEVERETTE-SAUNDERS, taken before Reporter LaVerne M.
20 Reinhardt, CSR-2305, Notary Public in and for the County
21 of Wayne, State of Michigan, at 1394 E. Jefferson
22 Avenue, Detroit, Michigan, on Wednesday, October 20,
23 2010, commencing at or about the hour of 1:22 p.m.

24 APPEARANCES:

25 KATHRYN BRUNER JAMES (P71374)
Goodman & Hurwitz, P.C.
1394 E. Jefferson Avenue
Detroit, Michigan 48207
(313) 587-6170

Appearing on behalf of Plaintiffs

RELIANCE COURT REPORTING
(313) 964-3611

1 APPEARANCES: (Continued)

2 DANIEL S. KOROCHKIN (P72843)
3 American Civil Liberties
4 Union Fund of Michigan
5 2966 Woodward Avenue
6 Detroit, Michigan 48201
7 (313) 587-6824

8 Appearing on behalf of Plaintiffs

9 JERRY L. ASHFORD (P47402)
10 City of Detroit Law Department
11 660 Woodward Avenue
12 Suite 1650
13 Detroit, Michigan 48226
14 (313) 237-3089

15 Appearing on behalf of Defendants

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1 I N D E X

2 PAGE:

3 Cross Examination by Mr. Ashford 5
4 Cross Examination by Ms. James 46

5 E X H I B I T S

6 Defendant's Exhibit 10 15

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1 Detroit, Michigan
2 Wednesday, October 20, 2010
3 1:22 p.m.

4
5 MR. ASHFORD: Let the record reflect
6 that this is the deposition of Jason
7 Leverette-Saunders. Is it S-a-u-n-d-e-r-s or
8 Sanders?

9 THE WITNESS: S-a-u.

10 MR. ASHFORD: Okay. Jason
11 Leverette-Saunders, taken pursuant to the Federal
12 Rules of Civil Procedure, to be used for any and
13 all purposes under those rules and with Notice to
14 all parties. Good afternoon.

15 THE WITNESS: Good afternoon.

16 MR. ASHFORD: My name is Jerry
17 Ashford and I represent the City of Detroit and the
18 Detroit Police officers in this lawsuit that you
19 filed.

20 Have you ever been a party to a
21 lawsuit before?

22 THE WITNESS: No.

23 MR. ASHFORD: Have you ever
24 testified in court before?

25 THE WITNESS: No.

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<p style="text-align: center;">5</p> <p>1 MR. ASHFORD: Have you ever seen 2 someone testify on the news or on television? 3 THE WITNESS: Yes. 4 MR. ASHFORD: Okay. And when you've 5 seen them testify you've seen a court reporter 6 taking down every word they say, right? 7 THE WITNESS: Yes. 8 MR. ASHFORD: Okay. That's what's 9 going on here today. She's taking down everything 10 we say, she's recording the proceedings, so 11 therefore I need verbal answers to all my 12 questions. Try not to give me head shaking or 13 nodding, or uh-huh or uh-uh, because we have to 14 make a verbal record, okay? 15 THE WITNESS: Okay. 16 MR. ASHFORD: Also, if I ask you any 17 question that you don't understand, please let me 18 know and I'll rephrase it until hopefully you do. 19 THE WITNESS: Thank you. 20 JASON LEVERETTE - SAUNDERS, 21 having first been duly sworn, to testify to the 22 truth, the whole truth and nothing but the truth, 23 was examined and testified on his oath as follows: 24 CROSS-EXAMINATION 25 BY MR. ASHFORD: RELIANCE COURT REPORTING (313) 964-3611</p>	<p style="text-align: center;">6</p> <p>1 Q. So, please state your full name for the record. 2 A. Jason Anthony Leverette-Saunders. 3 Q. And where do you live? 4 A. 16232 Normandy, Detroit, Michigan. 5 Q. How long have you lived there? 6 A. Four years. 7 Q. Who do you live there with? 8 A. I live with my mother. 9 Q. What's your mother's name? 10 A. Wanda Leverette. 11 Q. How old are you? 12 A. Twenty-seven. 13 Q. What's your date of birth? 14 A. June 11, 1983. 15 Q. What's your Social Security number? 16 A. XXX-XX-2087. 17 MS. JAMES: Just for the record I 18 want to reiterate the court rule that requires 19 redacting this type of information, not disclosing 20 it to the public if any of the transcripts should 21 be filed with the court, attached to a motion or a 22 brief. 23 THE WITNESS: Is that normal to ask 24 for Social Security number? 25 MR. ASHFORD: Very normal. Off the RELIANCE COURT REPORTING (313) 964-3611</p>
<p style="text-align: center;">7</p> <p>record for a moment. (Discussion held off the 3 record.) 4 BY MR. ASHFORD: 5 Q. Do you have a Michigan operator's license with you 6 today? 7 A. I have a state ID. 8 Q. Okay, may I see it, please? Do you normally have a 9 Michigan operator's license? 10 A. I lost it a couple years ago. Well, actually I 11 lost it last year and had some unpaid tickets. 12 MR. ASHFORD: Let the record reflect 13 that Mr. Leverette-Saunders has handed me a 14 Michigan identification card. No. L163373067437, 15 which expires on June 11, 2014, in the name of 16 Jason Anthony Leverette-Saunders, 16232 Normandy 17 Street, Detroit, Michigan 48221-3314, with a 18 date of birth of June 11, 1983, with a height of 19 six feet, 200 pounds, no restrictions. Well, it's 20 not a license so it has no restrictions. Thank you 21 very much. 22 BY MR. ASHFORD: 23 Q. Where were you born? 24 A. Chicago. 25 Q. How old were you when you came to Detroit? RELIANCE COURT REPORTING (313) 964-3611</p>	<p style="text-align: center;">8</p> <p>1 A. Six months. 2 Q. So you grew up in the city of Detroit? 3 A. Yes. 4 Q. Did you attend high school? 5 A. Yes. 6 Q. Where? 7 A. Davis Aerospace. 8 Q. Davis Aerospace? 9 A. Benjamin Davis Aerospace Vocational High School. 10 Q. Did you graduate? 11 A. Yes. 12 Q. When? 13 A. 2001. 14 Q. Do you have any education beyond the high school 15 diploma? 16 A. Four-and-a-half years college. One-and-a-half at 17 Western, three years at Tuskegee. 18 Q. Did you get a degree from Tuskegee? 19 A. No. 20 Q. So you do not have a college degree? 21 A. No. 22 Q. How many credits short are you? 23 A. A year and some change. 24 Q. What did you study? 25 A. Aerospace engineering. RELIANCE COURT REPORTING (313) 964-3611</p>

9

1 Q. As an adult have you ever been arrested?
 2 A. One misdemeanor last summer.
 3 Q. For what?
 4 A. It was petty theft or something like that.
 5 Q. What police agency?
 6 A. Ferndale.
 7 Q. What did they allege you did?
 8 A. Swipe a beer.
 9 Q. From what store?
 10 MS. JAMES: Objection, relevance.
 11 THE WITNESS: 7-11.
 12 BY MR. ASHFORD:
 13 Q. What happened with the criminal charge?
 14 A. I paid off the ticket.
 15 Q. Did you appear in court on the charge?
 16 A. No.
 17 Q. You received a ticket?
 18 A. Yes.
 19 Q. Did you hire an attorney?
 20 MS. JAMES: Objection, relevance.
 21 THE WITNESS: No.
 22 BY MR. ASHFORD:
 23 Q. Any other arrests in your adult life?
 24 A. No.
 25 MS. JAMES: Objection, relevance.
 RELIANCE COURT REPORTING
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11

MS. JAMES: Objection, relevance.
 THE WITNESS: No.

3 BY MR. ASHFORD:
 4 Q. Do you know what I mean by that?
 5 A. Yes.
 6 Q. Okay. Depression, paranoia, schizophrenia,
 7 anything like that?
 8 A. No.
 9 Q. Are you currently a member of Contemporary Art
 10 Institute of Detroit?
 11 A. I believe so.
 12 Q. Why do you say you believe so?
 13 A. You sign up for a yearly basis and I'm not sure if
 14 mine is still current or not.
 15 Q. Okay. So that answers my next question. You have
 16 been a member of the Contemporary Art Institute of
 17 Detroit?
 18 A. Yes.
 19 Q. For what time period? Strike that.
 20 When did you first become a
 21 member? What year approximately did you first
 22 become a member of the Contemporary Art Institute
 23 of Detroit?
 24 A. Late 2007.
 25 Q. Why did you become a member of the Contemporary Art
 RELIANCE COURT REPORTING
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10

1 BY MR. ASHFORD:
 2 Q. When you paid off the ticket did you admit
 3 responsibility?
 4 MS. JAMES: Objection, relevance.
 5 THE WITNESS: As in?
 6 BY MR. ASHFORD:
 7 Q. Well, you told me you received a ticket.
 8 A. Yes. You mean what was my plea?
 9 Q. Yes, did you plea?
 10 A. We pled guilty and it was a hundred and something.
 11 Q. Was that the Ferndale District Court?
 12 A. Yes.
 13 Q. Any other arrests?
 14 A. No.
 15 MS. JAMES: Objection, relevance.
 16 Just slow down a little bit so the record is not
 17 muddled up too much.
 18 BY MR. ASHFORD:
 19 Q. Have you ever been treated for any type of
 20 substance abuse?
 21 MS. JAMES: Objection, relevance.
 22 THE WITNESS: No.
 23 BY MR. ASHFORD:
 24 Q. During your adult life have you ever been treated
 25 for any psychological or psychiatric problem?
 RELIANCE COURT REPORTING
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12

1 Institute of Detroit?
 2 A. Some friends of mine took me down there one
 3 evening, had a great time, enjoyed the art they had
 4 up on the walls, got along with the staff.
 5 Q. Was this a party or was this during the daytime
 6 hours between 12 and six?
 7 A. It was during the daytime hours and then we hung
 8 around and talked with them.
 9 Q. Who did you talk with?
 10 A. I honestly don't remember their names.
 11 Q. Do you know Joseph Timlin?
 12 A. Possibly by face.
 13 Q. How about Jennifer Shraeder?
 14 A. Maybe by face.
 15 Q. Or Brandon Wally?
 16 A. I don't know.
 17 Q. Or Christopher Shoemaker?
 18 A. I don't know. I'm really bad with names.
 19 Q. Do you know any of the people who work at the
 20 C.A.I.D.?
 21 A. By face.
 22 Q. Not by name?
 23 A. I'm terrible with names.
 24 Q. So that would be a no, correct?
 25 A. Yes.

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<p style="text-align: right;">13</p> <p>1 Q. Before May 31st of 2008 had you attended any</p> <p>2 parties at the C.A.I.D.?</p> <p>3 A. Yes.</p> <p>4 Q. How many?</p> <p>5 A. Six or seven.</p> <p>6 Q. During these parties had you ever witnessed any</p> <p>7 underage drinking?</p> <p>8 MS. JAMES: Objection, foundation.</p> <p>9 THE WITNESS: No.</p> <p>10 BY MR. ASHFORD:</p> <p>11 Q. Had you ever witnessed the use of any illegal</p> <p>12 narcotics?</p> <p>13 MS. JAMES: Objection, foundation.</p> <p>14 THE WITNESS: No.</p> <p>15 BY MR. ASHFORD:</p> <p>16 Q. Had you ever seen marijuana being used?</p> <p>17 MS. JAMES: Objection, foundation.</p> <p>18 THE WITNESS: No.</p> <p>19 BY MR. ASHFORD:</p> <p>20 Q. You had never seen cocaine being used?</p> <p>21 MS. JAMES: Objection, foundation.</p> <p>22 THE WITNESS: No.</p> <p>23 BY MR. ASHFORD:</p> <p>24 Q. Did you ever see anyone taking pills?</p> <p>25 A. No.</p> <p style="text-align: center;">RELIANCE COURT REPORTING (313) 964-3611</p>	<p style="text-align: right;">14</p> <p>1 Q. At these parties did you ever see the sale or</p> <p>2 service of alcohol after 2 a.m.?</p> <p>3 A. No.</p> <p>4 Q. Did you ever see anyone selling alcohol?</p> <p>5 A. Yes, by the cup. You paid for a cup if you were of</p> <p>6 age.</p> <p>7 Q. Did you ever buy any alcohol?</p> <p>8 A. On occasion.</p> <p>9 Q. Tell me how you would purchase alcohol at one of</p> <p>10 these parties. What would normally happen?</p> <p>11 A. If you had a stamp that proved you were of age then</p> <p>12 it was pretty much the same rule that applies to a</p> <p>13 kegger. You paid for the cup, it's a donation to</p> <p>14 the house and that was pretty much it.</p> <p>15 Q. You said the same as you would for a kegger?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. So the person who you were actually</p> <p>18 purchasing the alcohol from did not ask you for</p> <p>19 identification, you would normally have a stamp?</p> <p>20 A. He'd ask to see the back of your hand.</p> <p>21 Q. Was it a stamp or a bracelet?</p> <p>22 A. I have seen people wear bracelets but it was</p> <p>23 normally a stamp.</p> <p>24 Q. Had you ever visited the C.A.I.D.'s website?</p> <p>25 A. Yes.</p> <p style="text-align: center;">RELIANCE COURT REPORTING (313) 964-3611</p>
<p style="text-align: right;">15</p> <p>1 Q. Why?</p> <p>2 A. To see for upcoming events.</p> <p>3 Q. How many times had you visited prior to this party?</p> <p>4 A. The C.A.I.D. or the website?</p> <p>5 Q. The C.A.I.D. website.</p> <p>6 A. I usually check it twice a month.</p> <p>7 Q. So you had seen it, you were very familiar with it?</p> <p>8 A. Yes.</p> <p>9 Q. Tell me what's on the website.</p> <p>10 A. Well, at that time it was white with a green band</p> <p>11 down one side, you had a list of events and then</p> <p>12 you had, in the white area you had pictures,</p> <p>13 captions, the usual. Some video on occasion.</p> <p>14 MR. ASHFORD: Can you mark that?</p> <p>15 (Defendant's Exhibit 10 was</p> <p>16 marked for identification.)</p> <p>17 BY MR. ASHFORD:</p> <p>18 Q. Mr. Leverette-Saunders, I'm going to show you</p> <p>19 what's been marked as Defendant's Exhibit No. 10.</p> <p>20 MS. JAMES: Before you ask your</p> <p>21 question I want to place on the record that</p> <p>22 plaintiffs -- as I understand it, these documents</p> <p>23 were produced to defense counsel as a result of a</p> <p>24 subpoena to the Wayne County Prosecutor's Office.</p> <p>25 The plaintiffs did not receive a copy of this</p> <p style="text-align: center;">RELIANCE COURT REPORTING (313) 964-3611</p>	<p style="text-align: right;">16</p> <p>1 subpoena prior to it being served and therefore</p> <p>2 didn't have an opportunity to obtain these</p> <p>3 documents prior to today. Defense counsel did</p> <p>4 allow us to copy these documents before the</p> <p>5 deposition began, however, for the violation of</p> <p>6 Rule 45 we object to the exhibits but without</p> <p>7 waiving that objection and over that objection</p> <p>8 we'll allow the witnesses to view them and be asked</p> <p>9 questions about them at this time.</p> <p>10 BY MR. ASHFORD:</p> <p>11 Q. Mr. Leverette-Saunders, Defendant's Exhibit No. 10,</p> <p>12 is that a fair representation of what the C.A.I.D.</p> <p>13 home page looked like?</p> <p>14 A. About 80 percent.</p> <p>15 Q. Why do you say 80 percent?</p> <p>16 A. On my web browser this section here is colored.</p> <p>17 Q. Okay, but assuming that this is a black and white</p> <p>18 reproduction of it, is it fair and accurate?</p> <p>19 A. Yes.</p> <p>20 Q. And so to find out what was going on would you just</p> <p>21 click on events and programs?</p> <p>22 A. Events, programs, or exhibitions.</p> <p>23 Q. What does blog with us mean?</p> <p>24 A. Share your opinions on one of the exhibits, it's a</p> <p>25 blog.</p> <p style="text-align: center;">RELIANCE COURT REPORTING (313) 964-3611</p>

17

- 1 Q. Did you ever do that?
- 2 A. No, I'm strictly against blogging.
- 3 Q. Why?
- 4 A. You don't want to hear that.
- 5 Q. Okay. I'm going to trust you on that. Do you ever
- 6 read them?
- 7 A. Occasionally.
- 8 Q. Prior to May -- strike that.
- 9 As a result of the May 31, 2008
- 10 incident, did you communicate about the incident on
- 11 the Internet?
- 12 A. No.
- 13 Q. Do you have a Facebook page?
- 14 A. Recently I acquired one.
- 15 Q. I'm sorry, recently what?
- 16 A. Recently I acquired one.
- 17 Q. Have you ever discussed that incident on your
- 18 Facebook?
- 19 A. No.
- 20 Q. How did you get to the C.A.I.D. or the Contemporary
- 21 Art Institute of Detroit located at 5141 Rosa Parks
- 22 on May 31, 2008?
- 23 A. I drove.
- 24 Q. What kind of vehicle did you drive?
- 25 A. 2005 Pacifica.

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19

- 1 A. In the neighborhood of 12:15, 12:30.
- 2 Q. Were there any other occupants in the car?
- 3 A. No, just me.
- 4 Q. Where were you coming from?
- 5 A. Home.
- 6 Q. When you arrived at the C.A.I.D. where did you
- 7 park?
- 8 A. On the street in front of the building.
- 9 Q. I'm going to show you what's been marked as
- 10 Defendant's Exhibit No. 4. Is that the front of
- 11 the building?
- 12 A. No.
- 13 Q. What side of the building is that?
- 14 A. That's the Rosa Parks side.
- 15 Q. Is this what you see from the front of the
- 16 building?
- 17 A. Yes.
- 18 MS. JAMES: Just for the record I
- 19 believe you said "this."
- 20 BY MR. ASHFORD:
- 21 Q. I'm sorry, Defendant's Exhibit No. 3, that's the
- 22 front of the building, correct?
- 23 A. Yes.
- 24 Q. And that's the door where you would enter into the
- 25 Contemporary Art Institute of Detroit?

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18

- 1 Q. Was it yours?
- 2 A. My mother's.
- 3 Q. Wanda Leverette?
- 4 A. Yes.
- 5 Q. Was the vehicle insured?
- 6 A. Yes.
- 7 Q. By what insurance company?
- 8 A. I'm unsure.
- 9 Q. Were you driving it with your mother's permission?
- 10 A. Yes.
- 11 Q. Did she know you were going to the C.A.I.D. that
- 12 night specifically?
- 13 A. Yes.
- 14 Q. And how did she know that?
- 15 A. It had been part of my monthly routine for months.
- 16 Q. Did you specifically tell her I'm going to the
- 17 C.A.I.D. tonight or was it just part of your
- 18 routine?
- 19 A. She knew where I was going, she did not know the
- 20 location.
- 21 Q. So she understood that you were going to the
- 22 C.A.I.D. but not necessarily that it was on Rosa
- 23 Parks in Detroit?
- 24 A. Yes.
- 25 Q. What time did you leave for the C.A.I.D.?

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- 1 A. Yes.
- 2 Q. And you did enter through that door on May 31, 2008
- 3 for the party?
- 4 A. Yes.
- 5 Q. And so there was available parking spaces in front
- 6 of the building at around 12:45?
- 7 A. That was early.
- 8 Q. That was early?
- 9 A. I was early.
- 10 Q. Yes?
- 11 A. Or everyone else was late.
- 12 Q. Okay. What time did these parties really start
- 13 getting going?
- 14 A. As in what time did they start or --
- 15 Q. Not what time they started. You said that you were
- 16 kind -- you kind of termed it as being early.
- 17 A. Yes.
- 18 Q. Was 12:45 generally considered to be early for the
- 19 party?
- 20 A. No, 12:45 was generally late but no one had really
- 21 gotten there yet.
- 22 Q. So you parked your vehicle and then what did you
- 23 do?
- 24 A. Rolled a cigarette, stood outside and hung out with
- 25 the guys a little bit, went inside and paid.

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- 1 Q. Okay. Was it marijuana or tobacco?
 2 A. Tobacco.
 3 Q. Okay. Prior to going, to entering through the door
 of the C.A.I.D. had you had anything -- strike
 that.
 6 Prior to entering the front
 7 door of the C.A.I.D. had you had any intoxicating
 8 liquor that evening?
 9 A. No.
 10 Q. Had you used any illegal narcotics?
 11 A. No.
 12 MS. JAMES: Slow down, please.
 13 BY MR. ASHFORD:
 14 Q. Okay, you talked to some of the guys you said?
 15 A. Yes.
 16 Q. Then what happened?
 17 A. I went in, paid the doorman, got my stamp.
 18 Q. Do you know who the doorman was?
 19 A. No. Big guy.
 20 Q. Had you seen him before?
 21 A. Yes.
 22 Q. Where?
 23 A. At the C.A.I.D.
 24 Q. At other parties?
 25 A. Other parties, a few exhibits.

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- Q. So you were of age to drink?
 A. Yes.
 3 Q. And did he stamp your hand or give you a bracelet?
 4 A. He stamped my hand.
 5 Q. If you weren't going to drink would they stamp your
 6 hand anyway to say you were over 21?
 7 A. Yes.
 8 Q. Or give you a bracelet?
 9 A. Yes.
 10 Q. So what did you do after he stamped your hand and
 11 you paid your fee?
 12 A. Went in with my beer and a little bit of whiskey.
 13 Q. Now was there a line to get in when you arrived?
 14 A. Yes.
 15 Q. How long was the line, approximately?
 16 A. Maybe five people.
 17 Q. When you arrived at the C.A.I.D. and went inside,
 18 paid your fee, you testified that you had whiskey
 19 with you?
 20 A. Yes.
 21 Q. And you had beer?
 22 A. Yes.
 23 Q. Did you bring that inside with you?
 24 A. Yes.
 25 Q. So did the doorman know that you had that with you?

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- 1 Q. When you saw him did he ask you for ID?
 2 A. Yes.
 3 Q. Did he ask you to pay a fee?
 4 A. Yes.
 5 Q. How much did you pay?
 6 A. Five.
 7 Q. And why did you pay \$5?
 8 A. Donation.
 9 Q. You said it was a donation but it wasn't voluntary,
 10 you had to pay it to get in, correct?
 11 A. \$5 was recommended, so if you didn't have five, you
 12 had three, it was donation to the house.
 13 Q. You're telling me that you didn't have to have \$5
 14 to get in?
 15 A. No, but it was preferred.
 16 Q. The doorman told you that on May 31st of 2008?
 17 A. It was information I had acquired from going
 18 previous times.
 19 Q. You paid \$5?
 20 A. Yes.
 21 Q. The doorman checked your ID on May 31, 2008?
 22 A. Yes.
 23 Q. And how old were you at the time?
 24 A. Twenty-four, I would have been 25 two or three
 25 weeks later.

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- 1 A. Yes.
 2 Q. How do you know he knew that?
 3 A. It was in my hand, I had a bag.
 4 Q. So it was in plain sight?
 5 A. Yes.
 6 Q. Was it inside the bag or outside the bag?
 7 A. Inside the bag.
 8 Q. So how do you know that the doorman had knowledge
 9 of what was inside of your bag?
 10 A. He didn't know how much I had in the bag but it was
 11 BYOB so if you were of age you could bring your
 12 own.
 13 Q. How do you know you could bring your own?
 14 A. I learned that either the two or three time I went.
 15 Q. So based on your prior experiences, you knew that
 16 you could bring in your own alcohol?
 17 A. Yes.
 18 Q. So can you describe the inside of the C.A.I.D. for
 19 me?
 20 A. Go through the front door, turn to the walkway,
 21 along the wall to your left there's usually
 22 pictures from the latest event or exhibition;
 23 there's an open area for discussion, sometimes
 24 there's a table with tall chairs; there's a back
 25 cabinet of sorts, that's usually where kind of the

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- 1 office area is. You have a staircase that leads
 2 upstairs to the major exhibit room. In the back is
 3 the event.
 4 Q. Is that where the dancing took place?
 5 A. That's where the dancing takes place, that's where
 6 they have shows, that's where the shows and the
 7 seating area is and then you have the courtyard out
 8 back.
 9 Q. If you were standing in the front doorway of the
 10 C.A.I.D. would I be able to see what was going on
 11 inside of the dance room?
 12 A. Not really.
 13 Q. Okay, would it be walled off?
 14 A. It's a doorway so you can see people walking in and
 15 out. It's usually kind of dark, though, so you
 16 can't really see anybody until you get into the
 17 room.
 18 Q. When you entered the C.A.I.D. on May 31, 2008, what
 19 were the lighting conditions?
 20 A. Normal.
 21 Q. Okay, what's normal?
 22 A. The front area was fully lit, the back area the
 23 lights were dim as usual and they had a DJ going.
 24 Q. Did you see a beverage and food counter?
 25 A. Yes.

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- 1 A. Boxed wine.
 2 Q. What's that?
 3 A. Seriously?
 4 Q. Yeah, seriously.
 5 A. I think the brand is Frenza.
 6 Q. Is that a red or white wine or can it be both?
 7 A. It comes in all three.
 8 Q. You said all three?
 9 A. Red, white, and rouge.
 10 Q. Did you purchase any alcohol?
 11 A. Not that night, no.
 12 Q. Did you see anyone else purchasing any alcohol?
 13 A. I didn't pay much attention.
 14 Q. Did you see other people with cups of beer or wine
 15 while you were in the C.A.I.D. on May 31, 2008?
 16 A. Yes.
 17 Q. You were in the C.A.I.D. about an hour before, hour
 18 to an hour-and-a-half before the police officers
 19 came in?
 20 A. Yes.
 21 Q. When you came into the C.A.I.D. on May 31st of
 22 2008, did you see a state of Michigan liquor
 23 license?
 24 A. I wasn't looking for one.
 25 Q. Did you see one?

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- 1 Q. Do you know who was working behind the beverage and
 2 food counter?
 3 A. Not by name.
 4 Q. Do you know him by -- was he familiar to you?
 5 A. Yes.
 6 Q. Was he selling the food?
 7 A. Food, yes, beverage if you were of age.
 8 Q. What kind of food was he selling?
 9 A. Really the food wasn't really sold, it was just
 10 kind of a bowl of stuff.
 11 Q. What was it?
 12 A. I don't remember, I didn't pay it much mind.
 13 Q. What kind of alcohol was available, alcoholic
 14 beverages were available?
 15 MS. JAMES: Object to foundation.
 16 BY MR. ASHFORD:
 17 Q. Strike that.
 18 What kind of alcoholic
 19 beverages were available?
 20 MS. JAMES: Object to foundation.
 21 THE WITNESS: PBR and box wine.
 22 BY MR. ASHFORD:
 23 Q. What's PBR?
 24 A. Pabst Blue Ribbon.
 25 Q. And what else?

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- 1 A. No.
 2 Q. Were you looking for one?
 3 A. No.
 4 Q. Do you know if the C.A.I.D. at the time had a valid
 5 liquor license?
 6 A. I don't know.
 7 Q. Did you see a dance permit, city of Detroit --
 8 strike that.
 9 Did you see a city of Detroit
 10 dance hall permit?
 11 MS. JAMES: Objection, foundation.
 12 THE WITNESS: I don't even know what
 13 one of those looks like.
 14 BY MR. ASHFORD:
 15 Q. Did you look for one?
 16 A. No.
 17 Q. Do you know if the C.A.I.D. had one?
 18 MS. JAMES: Object to the form.
 19 THE WITNESS: I don't know.
 20 BY MR. ASHFORD:
 21 Q. Do you know if the C.A.I.D. had a city of Detroit
 22 business license on May 31st of 2008?
 23 MS. JAMES: Object to the
 24 foundation.
 25 THE WITNESS: I don't know.

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1 MR. ASHFORD: What foundation are
2 you saying is missing, counsel?
3 MS. JAMES: I don't know if he would
recognize one or know that it exists.

BY MR. ASHFORD:

6 Q. Mr. Leverette-Saunders, what kind of food was in
7 the bowl?
8 A. I don't know.
9 Q. You don't know if it's hot or cold food?
10 A. I assume cold.
11 Q. But you don't know?
12 A. I didn't pay any attention.
13 Q. And you didn't see any health department permit or
14 anything like that at the C.A.I.D., correct?

15 MS. JAMES: Objection to the
16 foundation.

17 THE WITNESS: No. It was a bowl of
18 like stuff.

BY MR. ASHFORD:

20 Q. Okay, so once you entered the C.A.I.D. what did you
21 do?
22 A. Talked to a couple of the guys that worked there,
23 made my way to the back where the dance section
24 was, went outside for a little bit.
25 Q. Let me show you what's been marked as Exhibit

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MS. JAMES: I'm sorry, continue.

BY MR. ASHFORD:

3 Q. Can you describe that for me?
4 A. Old fashioned wooden, horseshoe shaped, under a
5 tent, it was empty.
6 Q. Nobody was working the bar or anything like that?
7 A. No, nothing in the bar.
8 Q. Nobody was working it, correct?
9 A. No.
10 Q. It was just kind of like seating?
11 A. Yeah.
12 Q. So then what happened?
13 A. What turned out to be the police came in through
14 the alleyway and from the door in the building,
15 telling everybody to get on the ground, face down.
16 I was sitting on the bar and in the same tone they
17 were yelling at me to get on the ground, I was
18 yelling back at them show me your badge and we went
19 back and forth a couple of minutes.
20 Q. Who did you say that to?
21 A. The officers.
22 Q. Any particular officer?
23 A. I couldn't see who they were, all I could see was
24 the beam of flashlights.
25 Q. Then what happened?

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1 No. 4, Defendant's Exhibit No. 4. Do you see the
2 outside area of the C.A.I.D. that was fenced in?

3 A. Yes.

4 Q. Is that where you were that night?

5 A. For most of the evening, yes.

6 Q. Most of the evening?

7 A. Yeah.

8 Q. Okay. What were you doing on the side of the
9 building?

10 A. I was in the backyard, drinking, socializing,
11 people watching, enjoying the evening.

12 Q. On the many occasions that you have been at the
13 C.A.I.D. have you ever observed like any sex acts
14 in this outdoor area?

15 MS. JAMES: Objection, relevance.

16 THE WITNESS: No. No.

17 BY MR. ASHFORD:

18 Q. Where were you when the Detroit Police officers
19 came into the building?

20 A. In the backyard sitting on an empty bar.

21 Q. There was an empty bar outside?

22 A. Yes.

23 MS. JAMES: Excuse me just one
24 second.

(Brief pause.)

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1 A. We went back and forth for maybe a minute.

2 Q. At this point were you on the ground?

3 A. No, I was still sitting on the bar.

4 Q. Okay.

5 A. That's when one of them grabbed me off the bar and
6 threw me on the ground.

7 Q. Do you know which officer did that?

8 A. No.

9 Q. You don't know name, badge number, anything?

10 A. They didn't have badges to be seen.

11 Q. Okay.

12 A. Full tactical gear.

13 Q. Any identification?

14 A. No.

15 Q. Did you ever ask -- did you ever see that officer
16 again?

17 A. I wouldn't have known.

18 Q. So then what happened?

19 A. After I hit the ground I got back up, fell into a
20 wooden post that was holding up a section of the
21 tent.

22 Q. How did you fall into the wooden post?

23 A. When I hit the ground I rolled and got up and in
24 the process I hit it.

25 Q. Why did you get up?

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- 1 A. They had no reason to throw me on the ground and I
2 continued to demand a badge.
3 Q. Then what happened?
4 A. That's when I was taken to the ground a second
5 time.
6 Q. Same officer?
7 A. No.
8 Q. Excuse me?
9 A. No clue.
10 Q. Do you know if it was a police officer that put you
11 back on the ground the second time?
12 A. The only people out there were what turned out to
13 be police officers.
14 Q. But my question is do you know like from your
15 senses, your sight or hearing, that it was a
16 Detroit Police officer that put you on the ground
17 the second time?
18 A. Yes.
19 Q. How do you know that?
20 A. It was from the same group that had pulled me off
21 the bar.
22 Q. And then what happened?
23 A. After I hit the ground one of them got on my back,
24 was kicked a couple of times and handcuffed.
25 Q. Do you know which police officer kicked you?

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- anybody else.
Q. What police conduct did you see inside the
3 C.A.I.D.?
4 A. After they got us inside, at that time or
5 throughout the evening?
6 Q. I'll take at that time, we'll go step by step. At
7 that time what police conduct did you notice when
8 they brought you inside?
9 A. They were lining everybody up against the wall.
10 Q. Then what happened?
11 A. We were processed, everything was taken out of our
12 pockets, put in bags, patted down, searched.
13 Q. What was taken from you?
14 A. Keys, pretty much the contents of my pockets at the
15 time.
16 Q. What was in your pockets?
17 A. Keys, Carmex, some gum.
18 Q. Were you searched or did they search you?
19 MS. JAMES: Object as to form. I
20 didn't understand.
21 BY MR. ASHFORD:
22 Q. Did the Detroit Police officers search you?
23 A. Yes.
24 Q. So they pulled the contents out of your pockets?
25 A. Yes.

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- 1 A. No.
2 Q. Then what happened?
3 A. We were taken inside and essentially processed.
4 Q. Were you injured by the officer kicking you?
5 A. Not really. I was sore, had some muscle soreness
6 the next day.
7 Q. Did you ever seek any medical attention?
8 A. No.
9 Q. Where were you kicked?
10 A. Rib cage and shoulder blade.
11 Q. How long did you stay outside before -- strike
12 that.
13 After the officers came in and
14 told you to get on the ground in the outdoor
15 terrace area, how long were you out there before
16 they brought you inside?
17 A. It seemed almost immediate.
18 Q. During the time that you were outside with the
19 Detroit Police officers, aside from what happened
20 to you, did you notice any other -- strike that.
21 Besides what happened to you
22 outside on the terrace, in the terrace area,
23 describe any other police conduct that you saw or
24 heard.
25 A. I don't really remember anything happening to

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- 1 Q. How long were you lined up?
2 A. I couldn't even tell you.
3 Q. Were you standing?
4 A. At that point, yes.
5 Q. You said at that point, what happened after that?
6 A. After that we were separated; males in one room,
7 females in the other, and they had us all wait on
8 our knees with our hands -- their hands behind
9 their heads.
10 Q. What rooms were the males in?
11 A. The dance area.
12 Q. And the females were up front?
13 A. Yes.
14 Q. Then what happened?
15 A. We waited until we got our names called.
16 Q. Did you notice any assaultive conduct inside the
17 building from the Detroit Police officers?
18 MS. JAMES: Objection as to
19 foundation.
20 THE WITNESS: A couple of people
21 were handled a little roughly and they were tearing
22 the building apart. That's pretty much all I could
23 see.
24 BY MR. ASHFORD:
25 Q. What do you mean tearing the building apart?

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- 1 A. Breaking doors, locked areas in an attempt to look
2 for something that wasn't there.
3 Q. Okay. How do you know they were looking for
4 something?
5 A. They tore open one of the doors. One of the doors
6 that led into the area with all the wiring, the
7 electronics, where the sound system was running
8 through, it was locked and they broke it off the
9 handle, they broke it off its connecting points to
10 get in and there wasn't anything back there.
11 Q. Now when you say "they," you mean a police officer
12 or do you mean several?
13 A. Several.
14 Q. Okay. So then what happened after they called you
15 up?
16 A. Which time?
17 Q. How many times did they call you up?
18 A. Twice.
19 Q. Okay, what happened the first time?
20 A. Someone helped me up, I went in the line.
21 Q. Who helped you up?
22 A. One of my fellow patrons.
23 Q. Why did you need help to get up?
24 A. Handcuffed.
25 Q. Were you handcuffed behind your back?

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- 1 A. Yes.
2 Q. Were all the males handcuffed?
3 A. Just me.
4 Q. Just you?
5 A. Uh-huh.
6 Q. Why only you?
7 A. I was the only one who actually asked why they were
8 there.
9 Q. When were you handcuffed?
10 A. When I was outside, after I was thrown on the
11 ground the second time.
12 Q. Do you know who handcuffed you?
13 A. No.
14 Q. Okay. How long were you handcuffed?
15 A. The entire evening.
16 Q. What about when you were released, did they take
17 you out of the handcuffs?
18 A. At the end of the night.
19 Q. So when you went up the first time what happened?
20 A. One of the female officers asked me why I was
21 handcuffed.
22 Q. How did you respond?
23 A. Flippantly.
24 Q. What did you say?
25 A. The best way I can probably remember is she asked

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- me why I was handcuffed and I said I dared to
question the omnipotent DPD.
3 Q. Then what happened?
4 A. They sent me to the back of the line.
5 Q. Okay. So it was a line to get up to the table or
6 were you just being called?
7 A. There was a line to get to the table after you had
8 been called. I was sent to the back of the overall
9 line and I was placed to be one of the last people
10 to be released.
11 Q. So then what happened after you came up the second
12 time?
13 A. After they handed me -- before they handed me my
14 bag they unhandcuffed me, handed me my bag with all
15 my personal effects and I went outside with some of
16 the guys who worked there. Because we were all the
17 only people left and we were trying to figure
18 out -- it was a lot of people still outside trying
19 to figure out how they were getting home.
20 Q. Okay. When they gave you back your personal
21 effects inside the C.A.I.D. did they give you back
22 your car keys?
23 A. Yes.
24 Q. Okay. Did they keep your mother's car at all?
25 A. Yes.

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- 1 Q. Okay. How did they get your car keys?
2 A. Once I was released they were asking people
3 individually for their keys to the vehicle.
4 Q. Where were you asked for your keys? Were you
5 inside the C.A.I.D. or outside the C.A.I.D.?
6 A. I was standing in front of that wall.
7 Q. You were standing in front?
8 A. Of the wall.
9 Q. The wall in Defendant's Exhibit No. 3?
10 A. Yes. An officer came over and asked me for the
11 keys.
12 Q. How did you respond?
13 A. First time I gave him the wrong set of keys.
14 Q. Why did you do that?
15 A. I didn't want him towing my mother's car.
16 Q. So then what happened?
17 A. The key didn't work on the door so I had to give
18 him the actual key and then they loaded the car up
19 on a flatbed.
20 Q. Who is "they"?
21 A. The officers and the tow driver.
22 Q. Okay. It was actually the tow driver that loaded
23 it up on the flatbed, right?
24 A. Yes, but the officer was the one who unlocked it.
25 Q. And then what happened?

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- 1 A. Me and a couple of people, a dozen or so people
 2 were trying to figure out how we were getting home.
 3 I started talking with staff and we were kind of
 4 trying to wrap our heads around what happened. We
 5 watched some video at the beginning and ended up at
 6 the end of the night getting a ride home from one
 7 of the guys who worked there.
 8 Q. Have you been back to the C.A.I.D. since that date?
 9 A. Yes.
 10 Q. Did you happen to attend Halloween Funk Night at
 11 the C.A.I.D. in 2008? Did you know you could dress
 12 as a police officer and get in for free?
 13 A. That's pretty good. No, I didn't attend that one.
 14 Q. Okay. Did you see this advertisement before you
 15 attended Funk Night on May 31, 2008?
 16 A. No.
 17 Q. Okay. And I'm referring to the advertisement in
 18 Defendant's Exhibit No. 8. And you stated, you
 19 testified earlier that you do not believe that you
 20 attended the Halloween Funk Night at the C.A.I.D.,
 21 which is in Defendant's Exhibit No. 9; is that
 22 correct?
 23 A. Yeah, I'm pretty sure.
 24 Q. Okay, I'm just saying that for the record, just
 25 making sure.

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- 1 Q. Okay. Did you retain an attorney for that criminal
 2 charge?
 3 A. I was represented by the ACLU.
 4 Q. Do you know what specific attorney at the ACLU?
 5 A. No.
 6 Q. How did you find out the case had been dismissed?
 7 A. I was sent an e-mail.
 8 Q. It was in an e-mail?
 9 A. I believe so. That's how I first heard.
 10 Q. From who?
 11 A. Our lawyer.
 12 Q. When you left the premises of the C.A.I.D. on
 13 May 31st of 2008 were you given a form similar to
 14 this one that we see in Defendant's Exhibit No. 1,
 15 which is entitled Nuisance Abatement Form, for your
 16 mother's car?
 17 A. Yeah. Yes, I was.
 18 Q. Did you have anything to do with trying to recover
 19 your mother's vehicle?
 20 A. Yes.
 21 Q. What action did you take?
 22 A. I called in a marker from my dad. I was supposed
 23 to receive some money for my birthday and I asked
 24 him to send it early so I could help her pay for
 25 that and she ended up having to borrow money from

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- 1 Before you left the premises of
 2 the C.A.I.D. you were issued a ticket like or
 3 similar to the one we see in Defendant's Exhibit
 4 No. 2; is that correct, Mr. Leverette-Saunders?
 5 A. Similar, kind of.
 6 Q. I mean the name and the information is obviously
 7 not correct but you were issued a ticket?
 8 A. The ticket I had had loitering in a place of
 9 illegal occupation but it also stated that it was a
 10 blind pig.
 11 Q. Did you ever appear in court concerning that
 12 ticket?
 13 A. Along with everyone else, yes.
 14 Q. That was at the 36th District Court, correct?
 15 A. Yes.
 16 Q. How many times did you appear?
 17 A. I think once. I know I went once for sure.
 18 Q. Basically the judge told you what you were charged
 19 with and advised you of your rights; is that
 20 correct?
 21 A. En masse, yes.
 22 Q. Okay. And asked you how you pled?
 23 A. Yeah.
 24 Q. What happened with that criminal charge?
 25 A. As far as I know it was dropped.

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- 1 him separately as well.
 2 Q. So how much money did you pay?
 3 A. One hundred.
 4 Q. A hundred dollars?
 5 A. Uh-huh.
 6 Q. How much money did she pay?
 7 A. When it was all said and done it was 900 to the
 8 courts and a week's worth of tow yard fees so I
 9 would guess around 1300.
 10 Q. Were you the primary driver of that Pacifica or
 11 your mother?
 12 A. We shared the vehicle.
 13 Q. What condition was the vehicle in when you were
 14 able to get it back?
 15 A. As far as I know the same condition it was when it
 16 was towed. It ran a little rough but that was it.
 17 Q. I'm going to show you what's been marked as
 18 Exhibits 5 through 7. It's a series of photographs
 19 and I'm showing you these because I'm asking you to
 20 look at, like in the corner of Exhibit No. 6 what
 21 the police officers are wearing.
 22 Are the uniforms of the police
 23 officers a fair and accurate depiction of what the
 24 police officers were wearing on May 31st of 2008
 25 when you saw them?

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45

1 A. From the back, yes. I can't see if any of them
 2 have "police" in the front.
 3 Q. How about Defendant's Exhibit No. 5, can you kind
 4 of see the front? Do you remember seeing anything
 5 like that?
 6 A. Once I was inside, yes.
 7 MR. ASHFORD: Off the record for a
 8 moment.
 9 (Discussion held off the
 10 record.)
 11 MR. ASHFORD: Back on the record.
 12 BY MR. ASHFORD:
 13 Q. For the recovery of your mother's motor vehicle did
 14 you ever appear at Wayne County Circuit Court or
 15 Recorder's Court?
 16 A. I honestly don't know.
 17 Q. Did you ever speak to anyone at the Wayne County
 18 Prosecutor's Office regarding the recovery of your
 19 mother's vehicle?
 20 A. No, she did that.
 21 Q. So the only role you really had was contributing to
 22 getting it back?
 23 A. Yes.
 24 MR. ASHFORD: No further questions.
 25

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46

1 CROSS-EXAMINATION
 2 BY MS. JAMES:
 3 Q. After you left the C.A.I.D. building I believe you
 4 testified that an officer asked for your keys?
 5 A. Uh-huh.
 6 Q. Were you free to say no and not give him your keys?
 7 A. No, that's why I gave him the wrong key the first
 8 time.
 9 MS. JAMES: No other questions.
 10 MR. ASHFORD: I have nothing
 11 further. Thank you very much.
 12 THE WITNESS: Thank you.
 13 (Deposition concluded at
 14 2:20 p.m.)
 15 ---
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47

1 CERTIFICATE OF NOTARY
 2 STATE OF MICHIGAN)
 3) SS
 4 COUNTY OF WAYNE)
 5
 6 I, La Verne M. Reinhardt, CSR, Notary Public
 7 in and for the above county and state, do hereby certify
 8 that the deposition of JASON LEVERETTE-SAUNDERS, was
 9 taken before me at the time and place hereinbefore set
 10 forth, that the witness was duly sworn to testify to the
 11 truth, the whole truth and nothing but the truth, that
 12 thereupon the foregoing questions were asked and
 13 foregoing answers were made by the witness which were
 14 duly recorded by me stenographically and later reduced
 15 to computer transcription; and I certify that this is a
 16 true and correct transcript of my stenographic notes so
 17 taken.
 18 I further certify that the signature was
 19 waived by counsel for the respective parties hereto;
 20 also, that I am not of counsel to either party nor
 21 interested in the event of this cause.
 22
 23
 24
 25

La Verne M. Reinhardt, CSR-2305
 Notary Public, Wayne County, Michigan
 My Commission Expires: 01-02-15

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EXHIBIT 9

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

4 IAN MOBLEY, KIMBERLY
5 MOBLEY, PAUL KAISER,
6 ANGIE WONG, JAMES
7 WASHINGTON, NATHANIEL
8 PRICE, JEROME PRICE,
9 STEPHANIE HOLLANDER,
10 JASON LEVERETTE-SAUNDERS,
11 WANDA LEVERETTE, DARLENE
12 HELLENBERG, THOMAS MAHLER
13 and LAURA MAHLER,

14 Plaintiffs,

15 -vs-

16 No. 10-10675

17 CITY OF DETROIT, VICKI
18 YOST, and DANIEL BUGLO,

19 Defendants.

20 The deposition of DARLENE HELLENBERG,
21 taken before Reporter Laverne M. Reinhardt, CSR-2305,
22 Notary Public in and for the County of Wayne, State of
23 Michigan, at 1394 E. Jefferson Avenue, Detroit,
24 Michigan, on Wednesday, October 20, 2010, commencing at
25 or about the hour of 11:40 a.m.

26 APPEARANCES:

27 KATHRYN BRUNER JAMES (P71374
28 Goodman & Hurwitz, P.C.
29 1394 E. Jefferson Avenue
30 Detroit, Michigan 48207
31 (313) 567-6170

32 Appearing on behalf of Plaintiffs

33 RELIANCE COURT REPORTING
34 (313) 964-3611

35 APPEARANCES: (Continued)

36 DANIEL S. KOROSKIN (P72842)
37 American Civil Liberties Union
38 Fund of Michigan
39 2966 Woodward Avenue
40 Detroit, Michigan 48201
41 (313) 578-6824

42 Appearing on behalf of Plaintiffs

43 JERRY L. ASHFORD (P47402)
44 City of Detroit Law Department
45 660 Woodward Avenue
46 Suite 1650
47 Detroit, Michigan 48226
48 (313) 237-3089

49 Appearing on behalf of Defendants

50 RELIANCE COURT REPORTING
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52 I N D E X

53 PAGE:
54
55 Cross Examination by Mr. Ashford 6
56 Cross Examination by Ms. James 53

57 E X H I B I T S

58 Defendant's Exhibit 3 19
59 Defendant's Exhibit 4 20
60 Defendant's Exhibits 5 - 9 33

61 RELIANCE COURT REPORTING
62 (313) 964-3611

63 Detroit, Michigan
64 Wednesday, October 20, 2010
65 11:40 a.m.

66 MR. ASHFORD: Let the record reflect
67 this is the deposition of Darlene Hellenberg, taken
68 pursuant to the Federal Rules of Civil Procedure,
69 to be used for any and all purposes allowed under
70 the rules with notice to all parties.

71 Good morning, Ms. Hellenberg.

72 THE WITNESS: Good morning.

73 MR. ASHFORD: My name is Jerry
74 Ashford and I'm representing the City of Detroit
75 and the Detroit Police officers that you've brought
76 this lawsuit against.

77 Have you ever given any
78 testimony in a court procedure?

79 THE WITNESS: Yeah, I think I gave a
80 deposition before. I was young so I don't really
81 know what was really happening, you know what I
82 mean.

83 MR. ASHFORD: Approximately how old
84 were you?

85 THE WITNESS: I think I was probably
86 ten or so.

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5

1 MR. ASHFORD: What kind of case was
2 it?
3 THE WITNESS: It was -- I guess it
4 was an injury case. I don't really know what it
5 was called or anything.
6 MR. ASHFORD: Okay. Well, just to
7 refresh -- strike that.
8 Were you injured?
9 THE WITNESS: No.
10 MR. ASHFORD: Just to refresh your
11 recollection of your childhood memories, you're
12 sitting in what's called a deposition and it's
13 really like you see on TV. You see a witness
14 giving testimony, just like in that scene out of a
15 television show we have a court reporter taking
16 down everything we say so she's recording this
17 proceeding. So therefore I'm going to need verbal
18 answers to my questions.
19 THE WITNESS: Okay.
20 MR. ASHFORD: Try not to give me
21 head nodding or shaking or uh-huh, uh-uh,
22 understand?
23 THE WITNESS: Yes.
24 MR. ASHFORD: Also, if I ask you a
25 question and you do not understand my question,
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7

Ferndale?
A. A year-and-a-half.
3 Q. Who do you live with?
4 A. No one.
5 Q. How old are you?
6 A. Twenty-seven.
7 Q. What's your date of birth?
8 A. December 1, 1982.
9 Q. Do you have a Michigan operator's license with you
10 today?
11 A. Yes.
12 Q. May I see it, please?
13 A. It's in the other room.
14 MR. ASHFORD: Counsel, can I see the
15 license?
16 MS. JAMES: Sure, let's take a quick
17 break so she can grab it.
18 THE WITNESS: Okay.
19 (Recess taken.)
20 MR. ASHFORD: Let the record reflect
21 that Ms. Hellenberg has handed me a Michigan
22 operator's license. No. H451135112997, in the name
23 of Darlene Celeste Hellenberg, expires 12-1-2011.
24 With an address of 203 College Street.
25 THE WITNESS: The right address is
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6

1 please let me know that you don't understand it and
2 I'll rephrase it until hopefully you do understand.
3 THE WITNESS: Okay.
4 DARLENE HELLENBERG,
5 having first been duly sworn, to testify to the
6 truth, the whole truth and nothing but the truth,
7 was examined and testified on her oath as follows:
8 CROSS-EXAMINATION
9 BY MR. ASHFORD:
10 Q. Can you give me your full name for the record?
11 A. It's Darlene Celeste Ellenberg.
12 Q. What's your address?
13 A. It is 11351 West Nine Mile, Apartment 6.
14 Q. What city?
15 A. Ferndale.
16 Q. Do you know Laura Mahler?
17 A. Yes.
18 Q. How do you know her?
19 A. She was my typewriting teacher in junior high.
20 Q. Did you see her today?
21 A. Yes.
22 Q. Before today when was the last time you had seen
23 her?
24 A. Probably years ago.
25 Q. How long have you lived at the Nine Mile address in
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8

1 on the back.
2 MR. ASHFORD: Ferndale, Michigan
3 48220-2814. Date of birth of 12-1-1982. No
4 endorsements, no restrictions. And on the back of
5 the operator's license is the address of 1151 West
6 Nine Mile Road, No. 6, Ferndale, Michigan 48220 and
7 the change appears to have been made 9-18-2009.
8 Thank you very much.
9 MS. JAMES: I'd just like to place
10 on the record that I believe under the local rules
11 if any of these depositions are to be filed with
12 the court or attached to a motion or a brief that
13 specific identifying features such as an operator's
14 license, perhaps the address, and if she's to give
15 any other person information like Social Security
16 number it should be redacted and not made available
17 to the public.
18 BY MR. ASHFORD:
19 Q. Ma'am, what's your Social Security number?
20 A. It is XXX-XX-4313.
21 Q. Where were you born?
22 A. Providence Hospital in Southfield.
23 Q. In Southfield, Michigan?
24 A. Yep.
25 MR. ASHFORD: Off the record.
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<p style="text-align: center;">9</p> <p>1 (Discussion held off the 2 record.) 3 BY MR. ASHFORD: 4 Q. Did you attend high school? 5 A. I did. 6 Q. Where? 7 A. Ferndale High School. 8 Q. Did you graduate? 9 A. I did. 10 Q. What year? 11 A. 2001. 12 Q. Do you have any education beyond high school? 13 A. Yes, I have a bachelor's of science and I'm working 14 on my graduate degree in Library Science. 15 Q. Where do you have your bachelor's degree from? 16 A. Central Michigan. 17 Q. What area? 18 A. English. 19 Q. Where are you working on your graduate work? 20 A. At Wayne State. For Library Science. 21 Q. Are you currently employed? 22 A. Yes. 23 Q. Where? 24 A. At the Ferndale Public Library. 25 Q. What position do you hold? <p style="text-align: center;">RELiance COURT REPORTING (313) 964-3611</p> </p>	<p style="text-align: center;">10</p> <p>1 A. I am a adult services librarian. 2 Q. When you say adult services librarian, adult 3 services meaning that you serve adults mostly? 4 A. Yes, I work at the reference desk in the adult 5 section so I mainly answer all questions and I do 6 programming as well. 7 Q. What does "programming" mean? What kind of 8 programming? 9 A. I organize and put together programs that the 10 library hosts basically, seminars and things like 11 that, other activities. 12 Q. And how long have you been in that position? 13 A. I've had that position since February of this year. 14 Q. Were you employed before that? 15 A. Yes. 16 Q. Where? 17 A. Ferndale library. 18 Q. What were you doing there? 19 A. I was working in circulation. 20 Q. What was your position? 21 A. Circulation specialist. 22 Q. How long were you in that position? 23 A. I think three or four years. 24 Q. Were you employed before that? 25 A. Only like seasonally when I was not in school. <p style="text-align: center;">RELiance COURT REPORTING (313) 964-3611</p> </p>
<p style="text-align: center;">11</p> <p>1 Q. Ma'am, have you ever been arrested -- strike that. 2 Have you ever been arrested 3 during your adult life? 4 A. No. 5 MS. JAMES: Objection, relevance. 6 BY MR. ASHFORD: 7 Q. Have you ever been treated for substance abuse? 8 MS. JAMES: Objection, relevance. 9 You can go ahead. 10 THE WITNESS: No. 11 BY MR. ASHFORD: 12 Q. Have you ever been treated by a mental health 13 expert, a psychiatrist or psychologist? 14 MS. JAMES: Objection, relevance. 15 THE WITNESS: No. 16 BY MR. ASHFORD: 17 Q. Are you currently a member of the Contemporary Art 18 Institute of Detroit, also known as C.A.I.D.? 19 A. No. 20 Q. Have you ever been a member of the Contemporary Art 21 Institute of Detroit? 22 A. I don't know if I was a member, if I ever signed up 23 for a membership. 24 Q. Well, you did attend the party on May 31, 2008, 25 correct? <p style="text-align: center;">RELiance COURT REPORTING (313) 964-3611</p> </p>	<p style="text-align: center;">12</p> <p>1 A. That is correct. 2 Q. To actually gain entrance into the party you have 3 to become a member, is that right? 4 A. That's correct. 5 Q. So did you sign up for membership just to get into 6 the party? 7 A. I did not that night. 8 Q. You had been to previous parties; is that correct? 9 A. Correct. 10 Q. Did you sign up to be a member at one of those 11 parties? 12 A. I don't remember if I ever did. 13 Q. Have you ever received any type of correspondence 14 from the Contemporary Art Institute of Detroit by 15 U.S. mail? 16 A. No. 17 Q. Or by electronic mail? 18 A. Yes. 19 Q. Do you know if your name appears on a membership 20 list? 21 A. I do not know. 22 Q. But you were on an electronic mail circulation list 23 for the Contemporary Art Institute of Detroit? 24 A. Yes, but not before the situation on this date. 25 Q. So not before May 31st of 2008? <p style="text-align: center;">RELiance COURT REPORTING (313) 964-3611</p> </p>

13

1 A. Correct.
 2 Q. Prior to May 31st of 2008 had you ever visited the
 3 Contemporary Art Institute of Detroit website?
 4 A. Probably.
 5 Q. Were there any listing of events from the
 6 Contemporary Art Institute of Detroit on the
 7 website when you visited?
 8 A. I would imagine that's why I was looking at the
 9 C.A.I.D. website, but I mean, I don't really
 10 remember.
 11 Q. Is there a chat room on the C.A.I.D. website?
 12 A. I have no idea.
 13 Q. Did you see one?
 14 A. No. I didn't look for one.
 15 Q. Have you ever discussed the Contemporary Art
 16 Institute of Detroit on the Internet, in a chat
 17 room or on Facebook or anywhere else?
 18 A. Probably on Facebook.
 19 Q. So you do have a Facebook page?
 20 A. Yes, I do.
 21 Q. Do you have a My Space page?
 22 A. I did but I haven't used it in a long time. I
 23 don't know if it's still there. I mean, I guess it
 24 probably is.
 25 Q. What did you write on your Facebook page about the
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15

Q. What happened to that computer?
 A. The one I used?
 3 Q. Yes.
 4 A. It's just sitting around. Nothing, it doesn't
 5 work. Or barely works.
 6 Q. Can you still access the e-mail?
 7 A. I don't know.
 8 Q. What kind of e-mail account did you have?
 9 A. I had a G-mail account.
 10 Q. Okay. So you can access your G-mail account from
 11 any computer; is that correct?
 12 A. Yeah.
 13 Q. Do you know if the e-mails that you sent are still
 14 in existence?
 15 A. I don't know for sure.
 16 Q. If so, can you produce it to your counsel?
 17 A. If they still exist.
 18 Q. Can you look for it and produce it if it exists?
 19 A. Yes.
 20 Q. Ms. Hellenberg, on May 31st of 2008 did you own a
 21 motor vehicle?
 22 A. Yes, I did.
 23 Q. What kind of motor vehicle did you own?
 24 A. It was a Chevy Cavalier.
 25 Q. What year?

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14

1 Contemporary Art Institute of Detroit?
 2 A. Honestly I don't know if I would remember. I don't
 3 remember. Really just that I was going or some
 4 comments like that, status updates and things.
 5 Q. Did you ever discuss the incident of May 31st of
 6 2008 on your Facebook page?
 7 A. Not on my page. I don't think so.
 8 Q. Where would you have discussed it?
 9 A. In a message between a bunch of people that were
 10 there.
 11 Q. Okay, what kind of message?
 12 A. Like an e-mail.
 13 Q. Do you have any copies of that electronic mail?
 14 A. No.
 15 Q. Is it still on your computer?
 16 A. I don't know.
 17 Q. What kind of computer do you have?
 18 A. I have a HP Pavilion.
 19 Q. Is that the same kind of computer you had at the
 20 time of the incident on May 31, 2008?
 21 A. No.
 22 Q. Is it the same computer where you sent the e-mails?
 23 A. The one I have now?
 24 Q. Yes.
 25 A. No.

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16

1 A. '99.
 2 Q. Who purchased the vehicle?
 3 A. I did.
 4 Q. How much did you pay for it?
 5 A. I think it was like \$3,400, something like that.
 6 Q. Do you have any vehicle purchase documents in your
 7 possession currently?
 8 A. Currently, I don't think so.
 9 Q. Do you have those documents at home?
 10 A. Yes.
 11 Q. Can you produce those to your attorney?
 12 A. Uh-huh. Yes.
 13 Q. It was a '99, the 1999 Chevy Cavalier that was
 14 seized on May 31, 2008?
 15 A. Yes.
 16 Q. What color was it?
 17 A. It's white.
 18 Q. Was it insured?
 19 A. Yes.
 20 Q. Who was it insured by?
 21 A. AAA.
 22 Q. And, on May 31, 2008, you drove the 1999 white
 23 Chevy Cavalier to the C.A.I.D. to attend the party?
 24 A. Yes.
 25 Q. Also known as Funk Night?

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17

- 1 A. Yes.
 2 Q. What time did you arrive, ma'am?
 3 A. I believe that it was sometime after 12:30, between
 12:30 and one.
 4 Q. 12:30 a.m. till 1 o'clock a.m.?
 5 A. Yeah, somewhere in there.
 6 Q. You arrived at the Contemporary Art Institute at
 5141 Rosa Parks in the city of Detroit; is that
 7 correct?
 8 A. Yes.
 9 Q. Was there anyone else in your vehicle when you
 10 arrived?
 11 A. Yes.
 12 Q. Who else was in your vehicle?
 13 A. My two best friends.
 14 Q. What are their names?
 15 A. Jessica Crowley.
 16 Q. How do you spell Crowley?
 17 A. C-r-o-w-l-e-y. And Megan Llamas, L-l-a-m-a-s.
 18 Q. How old is Jessica?
 19 A. She's 28.
 20 Q. And how old is Megan?
 21 A. Twenty-seven.
 22 Q. Where does Jessica live?
 23 A. In Ferndale.

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19

- Q. Let me show you a photograph, is that the entrance
 that you're talking about?
 3 A. Yes.
 4 MR. ASHFORD: Can you mark that as
 5 Exhibit 3?
 6 (Defendant's Exhibit 3 was
 7 marked for identification.)
 8 MS. JAMES: Before you go on, Jerry,
 9 for the record, the plaintiffs -- as I understand
 10 it, the documents that defense counsel is using
 11 today were provided pursuant to a subpoena to the
 12 Wayne County Prosecutor's Office. The plaintiffs
 13 didn't receive a copy of that subpoena prior to it
 14 being served and therefore haven't had an
 15 opportunity to obtain the documents. However,
 16 defense counsel did let us copy the documents that
 17 he has with us today so we now have copies, but for
 18 the violation of Rule 25 we're objecting to the
 19 exhibits; however, without waiving that objection
 20 and over that objection I think we should continue
 21 the deposition today. I meant Rule 45.
 22 BY MR. ASHFORD:
 23 Q. Ma'am, I'm showing you Defendant's Exhibit No. 3.
 24 This is the side entrance to the Contemporary Art
 25 Institute of Detroit; is that correct?

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18

- 1 Q. Do you know her telephone number?
 2 A. I do.
 3 Q. Can you give it to us, please?
 4 A. It is 248-514-2632.
 5 Q. Where does Megan live?
 6 A. She lives in Kentucky.
 7 Q. Do you have her phone number?
 8 A. I don't think I remember it by heart.
 9 Q. Can you give that information to your counsel?
 10 A. Yes.
 11 MS. JAMES: Just for the record,
 12 Jerry, I believe that information is under Rule 26
 13 disclosure of witnesses, if not I can give it to
 14 you.
 15 BY MR. ASHFORD:
 16 Q. Can you tell me where in Kentucky she lives?
 17 A. Lexington.
 18 Q. When you arrived, ma'am, where did you park?
 19 A. On the street.
 20 Q. How far from the entrance of the Contemporary Art
 21 Institute of Detroit?
 22 A. I really have no idea.
 23 Q. What street did you park on?
 24 A. The side street that the entrance is on. I don't
 25 know what it's called.

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20

- 1 A. It's the only entrance that I know of, I guess.
 2 MR. ASHFORD: Mark that as four.
 3 (Defendant's Exhibit 4 was
 4 marked for identification.)
 5 THE WITNESS: It's the only entrance
 6 that I know of.
 7 BY MR. ASHFORD:
 8 Q. Is the entrance in Defendant's Exhibit No. 3, is
 9 that the entrance that you used to enter into
 10 the -- strike that.
 11 In the photograph that is
 12 marked Defendant's Exhibit No. 3 there's a door,
 13 correct?
 14 A. Yes.
 15 Q. Is that the door which you used to enter into the
 16 Contemporary Art Institute of Detroit?
 17 A. Yes.
 18 Q. I'm also going to show you what's been marked as
 19 Defendant's Exhibit No. 4. Have you ever seen that
 20 photograph before?
 21 A. The photograph, no.
 22 Q. Have you ever seen that building before?
 23 A. I think so. That angle doesn't look familiar to
 24 me.
 25 Q. So the image in that exhibit is not familiar to

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21

- 1 you?
- 2 A. I just can't really place it. I mean, it's the
- 3 building.
- 4 Q. You don't know if you've ever seen it before?
- 5 A. I know I've seen the building before, I just don't
- 6 know what angle that's from. I don't remember an
- 7 awning.
- 8 Q. You don't remember seeing an awning?
- 9 A. No.
- 10 Q. So ma'am, after you parked your vehicle what
- 11 happened?
- 12 A. We went inside.
- 13 Q. Was this door open in Defendant's Exhibit No. 3,
- 14 was the door open when you went inside?
- 15 A. I don't remember. What do you mean?
- 16 Q. Was it open or was it closed?
- 17 A. I don't remember.
- 18 Q. Did you have to knock to gain entrance?
- 19 A. I don't remember.
- 20 Q. Was there anyone at the door when you walked in?
- 21 A. Yeah.
- 22 Q. Okay. Who was at the door?
- 23 A. Somebody checking IDs.
- 24 Q. Did you show them your ID?
- 25 A. Yes.

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23

- 1 A. Jessica and Megan.
- 2 Q. Were they also drinking beer?
- 3 MS. JAMES: Objection, relevance.
- 4 MR. ASHFORD: I'll give you a
- 5 continuing objection.
- 6 MS. JAMES: Thanks. You can go
- 7 ahead and answer if you know.
- 8 THE WITNESS: Yeah. I mean, like
- 9 one of us, I don't remember which one was drinking,
- 10 I think it was Jessica because it was her birthday
- 11 and then I believe Megan drove us there in my car
- 12 and then I was going to drive home. So technically
- 13 I didn't drive there. But we drove my car.
- 14 BY MR. ASHFORD:
- 15 Q. So once you stepped inside the Contemporary Art
- 16 Institute of Detroit on May 31st of 2008 they
- 17 checked your ID and then what happened?
- 18 A. I guess that we just kind of made our way through
- 19 the back into the back room.
- 20 Q. Did you have to pay a fee to get in?
- 21 A. I did not pay.
- 22 Q. Why not?
- 23 A. Because I was friends or am friends with the DJ and
- 24 so he put us on a list.
- 25 Q. Who was the DJ?

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22

- 1 Q. Did you see them check anyone else's ID?
- 2 A. Not that I -- I don't remember.
- 3 Q. Now, before you actually walked into the
- 4 Contemporary Art Institute of Detroit May 31, 2008,
- 5 had you had any type of intoxicating liquor?
- 6 MS. JAMES: Objection, relevance.
- 7 THE WITNESS: Before?
- 8 BY MR. ASHFORD:
- 9 Q. Before.
- 10 A. Yes.
- 11 Q. And what had you had to drink?
- 12 A. A beer or two.
- 13 Q. Okay. Where did you drink that beer?
- 14 A. In Ferndale.
- 15 Q. Where specifically in Ferndale?
- 16 MS. JAMES: Objection, relevance.
- 17 THE WITNESS: I don't know if that
- 18 really matters. I think it was either at my house
- 19 or at a local bar.
- 20 BY MR. ASHFORD:
- 21 Q. Do you know what bar it was?
- 22 MS. JAMES: Objection, relevance.
- 23 THE WITNESS: No, I don't remember.
- 24 BY MR. ASHFORD:
- 25 Q. Who were you with when you were drinking the beer?

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24

- 1 A. Mike Rozman. R-o-z-m-a-n.
- 2 Q. So he put you on the list where you didn't have to
- 3 pay?
- 4 A. Yes.
- 5 Q. That's nice of him.
- 6 A. Yes, it was.
- 7 Q. So neither you nor your friends had to pay?
- 8 A. Correct.
- 9 Q. Can you describe the inside of the Contemporary Art
- 10 Institute of Detroit when you walk into that door
- 11 that's pictured in Defendant's Exhibit No. 3?
- 12 A. Yes. There is sort of just white walls and a large
- 13 room, concrete and brick. There's some stairs in
- 14 the back room, two bathrooms.
- 15 Q. Two back rooms?
- 16 A. A back room.
- 17 Q. Oh, two bathrooms?
- 18 A. Yes.
- 19 Q. And you said there's a back room?
- 20 A. Yeah, and then there's a back room. You can see
- 21 the doorway from the main room.
- 22 Q. Was the party occurring in the back room?
- 23 A. I mean, technically that's where the dancing is.
- 24 Q. Okay. So it's all over but the dancing is in the
- 25 back room?

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25

- 1 A. Yes.
 2 Q. And that's where the DJ was?
 3 A. Correct.
 4 Q. You were there approximately an hour,
 5 hour-and-a-half before the police arrived; is that
 6 correct?
 7 A. Yeah.
 8 Q. While you were there did you purchase any alcoholic
 9 beverages?
 10 A. No.
 11 Q. While you were there did you have any alcoholic
 12 beverages to drink?
 13 A. I had one beer.
 14 Q. And how did you get the beer?
 15 A. My friend gave it to me. They brought it in.
 16 Q. Which friend?
 17 A. His name is Rob McLeod.
 18 Q. Robin?
 19 A. Rob.
 20 Q. Rob. How do you spell his last name?
 21 A. M-c-L-e-o-d.
 22 Q. Where does he live?
 23 A. Ferndale.
 24 Q. Do you know his address?
 25 A. 607 Farmdale.

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- you see anyplace where there was food or beverages
 being sold or served?
 3 A. Let's see, to the right of the entrance there is a
 4 counter where you could get beverages.
 5 Q. Did you then have to walk past that counter to get
 6 to the dance floor?
 7 A. No, it was off to the side. Like the back wall.
 8 Q. I can't picture, the back wall of?
 9 A. I guess like if you think of it as a square room,
 10 when you walk into the door you go this way, you go
 11 to the left to get to the dance room and the bar
 12 area was back to the right.
 13 Q. Were you given a wrist band after you entered the
 14 C.A.I.D.?
 15 A. Yeah, I think I was.
 16 Q. At the time how old were you?
 17 A. Twenty-five, I guess, 26. I have no idea. I can't
 18 remember how old I am. After you turn 21 you just
 19 don't think about it anymore.
 20 Q. How many times had you been to the C.A.I.D. prior
 21 to this occasion?
 22 A. I don't know how many times.
 23 Q. Okay.
 24 A. Multiple times.
 25 Q. During the times that you were there had you ever

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- 1 Q. Do you know a telephone number for him?
 2 A. I don't have it memorized.
 3 Q. And Rob is a friend of yours?
 4 A. Yes.
 5 Q. How long have you known him?
 6 A. Since freshman year of high school. I don't know
 7 how long it's been.
 8 Q. So he's an old classmate of yours?
 9 A. Yeah.
 10 Q. Have you ever had any other type of relationship
 11 with him besides friendship?
 12 MS. JAMES: Objection, relevance.
 13 THE WITNESS: No.
 14 BY MR. ASHFORD:
 15 Q. Ma'am, do you know Joseph Timlin?
 16 A. No.
 17 Q. Do you know Jennifer Shraeder?
 18 A. No.
 19 Q. Do you know Christopher Shoemaker?
 20 A. No.
 21 Q. Do you know Brandon Wally?
 22 A. No.
 23 Q. Okay, when you came into the -- strike that.
 24 When you walked into the door
 25 that's pictured in Defendant's Exhibit No. 3, did

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- 1 seen any underage drinking?
 2 A. I mean, I don't know what people's ages are, nobody
 3 that I went with was underage.
 4 Q. Did you ever see any use of illegal narcotics?
 5 MS. JAMES: Object to foundation.
 6 THE WITNESS: I guess I probably, I
 7 don't know if I ever saw it, I smelled marijuana.
 8 BY MR. ASHFORD:
 9 Q. Did you ever see any cocaine?
 10 A. No.
 11 Q. Did you ever see any marijuana?
 12 A. No.
 13 Q. Did you ever see anyone smoking cigarettes?
 14 A. Yes.
 15 Q. Did you ever see anyone serving alcoholic beverages
 16 after 2 a.m.?
 17 A. I mean, I don't know. Like I never looked at my
 18 clock and said oh, it's after two, that's
 19 happening. If that makes sense.
 20 Q. How long have you been at the C.A.I.D.?
 21 A. What do you mean?
 22 Q. Like into the morning hours, how long have you
 23 been?
 24 A. Probably the latest I stayed was, I don't know,
 25 four, between four and five.

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1 Q. Have you ever seen anyone using or taking pills at
 2 the C.A.I.D. on these prior occasions?
 3 MS. JAMES: Object to foundation.
 4 BY MR. ASHFORD:
 5 Q. Or tablets?
 6 A. No.
 7 Q. Have you ever seen attendees at the C.A.I.D. who
 8 were intoxicated or high?
 9 MS. JAMES: Object to foundation.
 10 THE WITNESS: Drunk, sure. I don't
 11 know about if they were high or not.
 12 BY MR. ASHFORD:
 13 Q. Have you ever seen any weapons at the C.A.I.D.?
 14 A. No.
 15 Q. Ma'am, when you were there on the night of May 31st
 16 of 2008, did you see the use of illegal narcotics?
 17 MS. JAMES: Object to foundation.
 18 MR. ASHFORD: What foundation?
 19 MS. JAMES: It assumes that she
 20 would know whether or not and recognize whether or
 21 not someone was using something that was illegal.
 22 BY MR. ASHFORD:
 23 Q. Based on your own personal perception.
 24 A. No.
 25 Q. Did you see, aside from yourself, anyone else who
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A. No.
 Q. Did you see a Detroit business license?
 3 A. No.
 4 Q. Did you look for one?
 5 A. I did not.
 6 Q. This area that is outside, can you describe that
 7 for me?
 8 A. Yeah, it's just sort of like a side yard, there's a
 9 fence around it, grass.
 10 Q. Do you know if it's the area that is shown in
 11 Defendant's Exhibit No. 4?
 12 A. Yeah, I believe that it's behind the fence to the
 13 side there.
 14 Q. So the back room people were dancing?
 15 A. Yeah.
 16 Q. What were people doing in almost like this side
 17 yard of the C.A.I.D.?
 18 A. Just standing around talking, hanging out.
 19 Q. How many people were there? Just estimate.
 20 A. I have no idea.
 21 Q. Was it really crowded?
 22 A. No, it wasn't very crowded.
 23 Q. You could walk around easily?
 24 A. Yes.
 25 Q. You weren't shoulder to shoulder?
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1 was drinking alcoholic beverages?
 2 A. Yes.
 3 Q. Did you see anyone purchasing alcoholic beverages?
 4 A. Not that I could say for certain.
 5 Q. When you came through the front door did you see
 6 anyone standing at the counter where beverages were
 7 being served?
 8 A. I don't remember.
 9 Q. Did you ever see a beer keg in the C.A.I.D. on the
 10 night of May 31, 2008?
 11 A. I don't remember if I saw it or not.
 12 Q. Were people drinking wine?
 13 A. I don't remember seeing anybody.
 14 Q. So you went to the back room and then what did you
 15 do?
 16 A. I don't know. Danced, said hi to the DJ, went
 17 outside in the back.
 18 Q. Ma'am, when you entered the C.A.I.D. on May 31,
 19 2009, did you see a liquor license?
 20 A. No.
 21 Q. Did you look for a liquor license?
 22 A. I did not.
 23 Q. Did you see a dance hall permit?
 24 A. No.
 25 Q. Did you look for one?
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1 A. No.
 2 Q. You didn't have to push through people to walk
 3 around?
 4 A. No.
 5 Q. Where were you when the Detroit Police officers
 6 entered into the C.A.I.D.?
 7 A. I was in the dance room.
 8 Q. How long were you out in the side yard of the
 9 C.A.I.D. or the backyard?
 10 A. I don't know.
 11 Q. How long had you been in the back room before the
 12 police entered into the building?
 13 A. I don't know, I would say a few songs.
 14 Q. Okay. So then what happened?
 15 A. Once they came in, what are you asking?
 16 Q. When you were in the back room the police officers
 17 entered into the building, right?
 18 A. Right.
 19 Q. So describe it for me, what happened?
 20 A. They came rushing in and told everybody to lay on
 21 the floor. And they kind of pushed past my friend
 22 and I and I think on the way out the door, the back
 23 door, and we laid on the ground, and just waited
 24 for what was going to happen next, I guess.
 25 Q. Did you know it was Detroit Police officers?
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1 A. No.
 2 Q. Did you know they were police officers?
 3 A. No, not at first.
 Q. Okay. How long did it take you to realize they
 were police officers?
 6 A. I really don't know.
 7 Q. When you realized they were police officers were
 8 you still laying down on the floor?
 9 A. I don't know. I don't remember.
 10 Q. How were the police officers dressed?
 11 A. Some had bandanas on their faces, like covering
 12 their nose and mouth. I remember some people, they
 13 were dressed in black with hats, not like police
 14 officers. At least the initial group that stormed
 15 in, I think there were a few people that I saw
 16 later that were wearing uniforms.
 17 Q. Patrol uniforms, what you generally think of as
 18 patrol uniforms, right?
 19 A. Yes.
 20 Q. Where they have a badge on their chest, correct?
 21 A. Yeah.
 22 MR. ASHFORD: Mark these three for
 23 me.
 24 (Defendant's Exhibits 5 - 9
 25 marked for identification.)
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what's marked as Defendant's 5 through 7 and what
 I'm most interested in in these photographs is how
 the police officers are dressed. Is this how they
 were dressed on the night of May 31, 2008?
 5 A. I mean, I guess so. I don't really remember
 6 specifically if that's what they looked like or
 7 not.
 8 Q. Do you remember any of these scenes in these
 9 exhibits from May 31st of 2008, the police standing
 10 outside the side door of the C.A.I.D.?
 11 A. These specific scenes or just that in general?
 12 Q. Just in general.
 13 A. No, I don't remember. I don't remember that.
 14 Q. Did you see the word "police" in white letters, in
 15 white reflective letters across the back of police
 16 uniforms when they came into the C.A.I.D.?
 17 A. When they came in I don't remember. I only saw the
 18 fronts of them.
 19 Q. Did you see the word "police" in the front part of
 20 the uniform that they were wearing?
 21 A. Not anybody that I remember seeing. When it first
 22 happened I don't think I saw anything.
 23 Q. Did you eventually see it?
 24 A. I don't remember.
 25 Q. Can you describe the lighting for me inside the
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1 BY MR. ASHFORD:
 2 Q. Ms. Hellenberg, I'm going to ask you, regarding
 3 Funk Night, did you ever see what's marked as
 4 Defendant's Exhibit No. 8 prior to attending the
 5 event?
 6 A. I think I've seen that ad before.
 7 Q. That was the advertisement for the Funk Night that
 8 you attended on May 31, 2008?
 9 A. Yes.
 10 Q. And, Defendant's Exhibit No. 9, did you attend the
 11 Funk Night, the Halloween Funk Night that was in
 12 October of 2008?
 13 A. Honestly I don't remember if I went to that or not.
 14 Q. Okay. You didn't even have to know the DJ to get
 15 in free, and you don't recall it?
 16 A. You know what, I don't remember if I went that
 17 night or not. I don't think so. I don't remember.
 18 Q. Okay. Your counsel told me you remembered what bar
 19 you went to that evening?
 20 A. Yes.
 21 Q. What bar was that?
 22 A. It was the Post in Ferndale.
 23 Q. I'm also going to show you what's marked as
 24 Defendant's Exhibits 4 through -- strike that.
 25 I'm also going to show you
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1 C.A.I.D. at the time that the Detroit Police
 2 officers came in?
 3 A. Where I was in the dance room it was -- there was
 4 like no lights on in there basically, I mean, it's
 5 pretty dark.
 6 Q. Was there any kind of strobe light or anything?
 7 A. There was something, I mean, you could see people's
 8 faces in front of you but it was always really dark
 9 in there.
 10 Q. What police action did you observe once they
 11 entered into the C.A.I.D.?
 12 A. Well, they all sort of came charging in and my
 13 friend got knocked over and they kind of rushed
 14 past us out into the outside and a couple stayed, I
 15 think, I don't know how many, my head was down on
 16 the ground so there must have been some in the room
 17 with us and they just told us what to do from then
 18 on.
 19 Q. When your head was on the ground, what were you
 20 facing?
 21 A. I was facing a wall when I first laid -- when we
 22 first laid down.
 23 Q. So you couldn't really see anything that was going
 24 on around you?
 25 A. No.
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- 1 Q. You could hear?
- 2 A. Yeah.
- 3 Q. What did you hear?
- 4 A. I don't remember. Yelling and commotion.
- 5 Q. And you did not see what happened out in that
- 6 outdoor area of the C.A.I.D.?
- 7 A. No, we never -- I was never out there again that
- 8 night.
- 9 Q. You don't know how long you were face down?
- 10 A. I don't know. No.
- 11 Q. What happened after that?
- 12 A. Let's see. Eventually they moved, they had us
- 13 stand up or sit up. I don't remember if we sat up,
- 14 you know, like against the wall but eventually I do
- 15 remember that they separated all the boys and the
- 16 girls and they moved us, the girls into the front
- 17 part of the C.A.I.D. where you come in and they had
- 18 us all sit on the floor with our hands like on our
- 19 heads, sort of like a tornado drill in school, and
- 20 then they just started calling names, one at a
- 21 time. And before that they, I think as we walked
- 22 from the dance room into the main room they emptied
- 23 our pockets.
- 24 Q. Who emptied your pockets?
- 25 A. I guess one of the officers did. There was like

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- room?
- A. Yes.
- 3 Q. Okay, then what happened?
- 4 A. We all sat on the floor and after, I don't know, we
- 5 sat there for a while, and then after a while they
- 6 started calling us up one at a time or a couple at
- 7 a time. We were just sitting there waiting for our
- 8 names to get called.
- 9 Q. From the point that you sat up did you observe any
- 10 type of assaultive police conduct?
- 11 A. I didn't see anything like that.
- 12 Q. Did you see any of the attendees assault the
- 13 police?
- 14 A. No.
- 15 Q. So they called you up, right?
- 16 A. Yes.
- 17 Q. Then what happened?
- 18 A. Then they told me, they gave me the ticket and they
- 19 asked me if I drove and then they made me sign that
- 20 sheet about my car and I asked them, I think I
- 21 remember asking them, you know, what was going on
- 22 and they said that my car was being towed.
- 23 Q. What do you mean they made you sign it?
- 24 A. Well, they told me I had to sign it. I didn't
- 25 really think that I had any other option.

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- 1 these two women officers that were doing that and
- 2 then we all went and sat on the floor.
- 3 Q. Were you ever handcuffed that night?
- 4 A. I was not.
- 5 Q. Or morning?
- 6 A. I was not.
- 7 Q. Were you ever searched?
- 8 A. Yes, they, you know, patted us and took our stuff.
- 9 Q. Do you know who searched you?
- 10 A. Just a woman.
- 11 Q. Can you describe her for me?
- 12 A. I don't remember anything about what she looks
- 13 like.
- 14 Q. Do you know her name?
- 15 A. No.
- 16 Q. What materials did she take off of you?
- 17 A. I --
- 18 Q. Strike that.

- 19 Did she take them off of you or
- 20 did you give them to her?
- 21 A. I think she took them off of me.
- 22 Q. Okay, what did she take off of you?
- 23 A. I had my car keys, driver's license, I don't know
- 24 if I had anything else. Maybe some money.
- 25 Q. Okay. And then they brought you into the front
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- 1 Q. I'm going to show you what's been marked as
- 2 Defendant's Exhibit 1. Is this like the sheet you
- 3 had to sign?
- 4 A. Yes.
- 5 Q. Did you read it before you signed it?
- 6 A. I mean, I might have looked, read it, tried to read
- 7 it, but I mean, I was so scared nothing made sense.
- 8 Q. So what happened after you signed this form?
- 9 A. They asked me if I had stuff in my car.
- 10 Q. And what was your response? Do you need to take a
- 11 break?
- 12 A. Yes.
- 13 (Recess taken.)
- 14 MR. ASHFORD: Can you read back the
- 15 last question.
- 16 (Reporter read back the last
- 17 question.)
- 18 THE WITNESS: That I did have things
- 19 in my car and so they let me go out to my car with
- 20 an officer who was actually in uniform.
- 21 BY MR. ASHFORD:
- 22 Q. And he was in uniform meaning that he was in a
- 23 patrol uniform, what we could call a patrol
- 24 uniform, with a badge on his chest, correct?
- 25 A. Yes.

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- 1 Q. Okay.
- 2 A. He walked me to my car and then they let me get
- 3 whatever things I could carry. And yeah, that's
- 4 what happened.
- 5 Q. Okay. Then what happened?
- 6 A. Then I was free to go.
- 7 Q. Did you go back into the C.A.I.D.?
- 8 A. I don't remember. I don't think I did.
- 9 Q. Okay. So you were outside?
- 10 A. Yeah.
- 11 Q. So then what happened?
- 12 A. Then I met my friend Jessica who had already been
- 13 released on the corner of Rosa Parks.
- 14 Q. What happened to your car?
- 15 A. They took it.
- 16 Q. Did you see them take it?
- 17 A. Yes, I did.
- 18 Q. Okay. What towing company took it?
- 19 A. I don't know.
- 20 Q. When you say you saw them take it, who actually got
- 21 into your car and drove it away or started working
- 22 on it to tow it?
- 23 A. I don't know.
- 24 Q. Was it a Detroit Police officer or did it seem to
- 25 be a towing company employee?

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- BY MR. ASHFORD:
- Q. Ms. Hellenberg, prior to May 31st of 2008 were you
- 3 familiar with the term "blind pig"?
- 4 A. Yes.
- 5 Q. What did that term mean to you?
- 6 A. Just a place that you had to use, you know, like a
- 7 password to get into and was during Prohibition and
- 8 a place you drink that you weren't supposed to,
- 9 that was a secret place.
- 10 Q. Did anyone ever tell you it was an after hours
- 11 drinking establishment?
- 12 A. Did anyone ever tell me that?
- 13 Q. Yes.
- 14 A. I don't know.
- 15 Q. Was that your understanding of what it was?
- 16 A. I don't think I associated after hours necessarily
- 17 with the term "blind pig."
- 18 Q. Did you know that, were you familiar with any laws
- 19 saying that you could not serve or sell alcohol
- 20 after 2 a.m. in the state of Michigan?
- 21 A. I mean, I guess I probably knew that but I don't
- 22 know. I don't know how to answer that.
- 23 Q. Well, did you know you had to have a liquor license
- 24 to serve liquor?
- 25 A. Yeah.

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- 1 A. I don't know. It was on the bed.
- 2 Q. It was on a flatbed tow truck?
- 3 A. Yes. Being driven away.
- 4 Q. Then what happened?
- 5 A. Then my friend Jessica told me that she had called
- 6 my boyfriend and he was coming to get us.
- 7 Q. And what was your boyfriend's name?
- 8 A. Justin Walker.
- 9 Q. Okay. And where does Justin Walker live?
- 10 A. He lives in Detroit.
- 11 Q. Okay. Is he still your boyfriend?
- 12 A. No.
- 13 Q. And did Justin come get you?
- 14 A. Yes.
- 15 Q. How long did it take Justin to come get you?
- 16 A. I don't know. We waited for Megan, too, so I don't
- 17 know if he got there before Megan got out, I don't
- 18 know the time-frame.
- 19 Q. Okay. What happened after he arrived?
- 20 A. We left.

MS. JAMES: Hold on just a second.

MR. ASHFORD: Off the record.

(Discussion held off the
record.)

MS. JAMES: Sorry about that.

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- 1 Q. After May 31, 2008, or subsequent to that date, did
- 2 you ever go back to the C.A.I.D.?
- 3 A. I went once during the daytime.
- 4 Q. When was that?
- 5 A. I think it was like the day after.
- 6 Q. Okay, why did you do that?
- 7 A. My friend Jessica lost a sweater that night and she
- 8 just kind of really wanted it back so we went down
- 9 there to get it.
- 10 Q. Did you find it?
- 11 A. Yeah, actually.
- 12 Q. And since that time have you been back?
- 13 A. No.
- 14 Q. Why not?
- 15 A. I never want to go there again.
- 16 Q. Why not?
- 17 A. Because of what happened.
- 18 Q. Do you fault the C.A.I.D. for that in any way?
- 19 A. Yeah, I think that I do. I think it was probably
- 20 their responsibility to make sure that they were,
- 21 you know, a proper establishment.
- 22 Q. Okay. Were you given a ticket or a criminal
- 23 citation as a result of being at the C.A.I.D. on
- 24 May 31, 2008?
- 25 A. Yes, I was given a loitering ticket.

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- 1 Q. Did you appear in court on that ticket?
- 2 A. Yes.
- 3 Q. How many times?
- 4 A. I went to court twice.
- 5 Q. What happened the first time?
- 6 A. I think we just had to show up and they gave us a
- 7 date to come back.
- 8 Q. Were you represented by an attorney that first
- 9 date?
- 10 A. Yeah.
- 11 Q. Who was that?
- 12 A. Gosh, I don't remember his name.
- 13 Q. Did he do a good job?
- 14 A. Yeah.
- 15 Q. Your ticket was eventually dismissed, right?
- 16 A. That's correct.
- 17 Q. During the first time you were there did they
- 18 advise you of your rights, tell you what you were
- 19 charged with?
- 20 A. You mean like a court?
- 21 Q. Yes.
- 22 A. Yes.
- 23 Q. The second time you went what happened?
- 24 A. Gosh, we just -- I don't really remember. We just
- 25 went in and -- wait, maybe we didn't have to. I'm

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- 1 Q. Like the paperwork that's similar or the same as
- 2 Defendant's Exhibit No. 1?
- 3 A. Yeah.
- 4 Q. Okay. And so did you call the Wayne County
- 5 Prosecutor's Office to get your car?
- 6 A. No, I waited and had the lawyer from the ACLU try
- 7 to fight to get my car back.
- 8 Q. Okay. Without paying the cost?
- 9 A. Correct.
- 10 Q. Okay. What lawyer was that?
- 11 A. His name was, I think it's William Goldberg.
- 12 Q. Did you have to appear in court regarding your car?
- 13 A. No.
- 14 Q. Okay. What happened as far as his fight to try to
- 15 get your car back?
- 16 A. Eventually I could get my car back if I paid \$400
- 17 and I had to give a speech to some teenagers about
- 18 the situation and basically what I had learned.
- 19 Q. Okay, this \$400 payment, was it to the Wayne County
- 20 Prosecutor's Office?
- 21 A. I don't remember who I had to pay.
- 22 Q. Did you have to pay for towing and storage fees at
- 23 all?
- 24 A. No, just had to pay \$400.
- 25 Q. Did you have to go someplace to pay it?

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- 1 trying to remember if we actually had to go back a
- 2 second time. I don't think we had to go back.
- 3 Q. Where was this, at the 36th District Court?
- 4 A. Yeah.
- 5 Q. In Detroit, correct?
- 6 A. Yeah.
- 7 Q. So based on your memory, you only had to go one
- 8 time?
- 9 A. Yeah. Yeah.
- 10 Q. And then you were later informed that the ticket
- 11 had been dismissed against you?
- 12 A. Yeah, yeah. Like they gave us the date that we
- 13 were supposed to have to go back but I don't ever
- 14 remember that we had to go back.
- 15 Q. Have you had any problems with law enforcement
- 16 since then?
- 17 A. No.
- 18 Q. Now about your car. Were you able to get your car
- 19 back?
- 20 A. I was.
- 21 Q. Okay. Did you receive paperwork from the Detroit
- 22 Police Department while you were at the C.A.I.D. on
- 23 May 31, 2008 on how to retrieve your car?
- 24 A. Yeah, I think it said on the paper that they gave
- 25 us.

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- 1 A. Yeah, I had to go to an Impound lot and give
- 2 them --
- 3 Q. So you gave the \$400 -- was it a check?
- 4 A. It was a money order.
- 5 Q. So you gave the \$400 money order to the guys who
- 6 were in charge of the impound lot?
- 7 A. Yeah, I think so.
- 8 Q. Do you know what impound lot it was?
- 9 A. It was on Fort Street, I believe. But I don't know
- 10 the cross street.
- 11 Q. In Southwest Detroit?
- 12 A. Yeah.
- 13 Q. So why did you decide to settle the case with Wayne
- 14 County and do the community service?
- 15 A. I decided that I didn't have the money to pay for
- 16 my car to get it back, I felt strongly that what
- 17 happened was unfair and I was also in a position to
- 18 be able to walk to work and so it just made more
- 19 sense to me to, you know, fight than try to pay a
- 20 bunch of money for my junk car.
- 21 Q. You agreed to do the community service, right?
- 22 A. I did.
- 23 Q. Why did you agree to do that?
- 24 A. Because it didn't seem like it was too complicated.
- 25 Q. What did you have to do?

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- 1 A. I had to make, give a talk to some teenagers in my
2 area and tell them.
3 Q. In Ferndale?
4 A. Yeah, it was in Ferndale.
5 Q. Who did you give a talk to?
6 A. I talked to a few teenagers at Affirmation
7 Community Center in Ferndale.
8 Q. It's just a community center?
9 A. Yeah, it's a community center. It's for -- it's
10 like the GLBT Community Center. Gay, Lesbian,
11 Bi-Sexual, Transgender, whatever. I can never
12 remember the order.
13 Q. Ma'am, how long were you without your vehicle?
14 A. I think it was about ten months.
15 Q. Why so long?
16 A. That's how long it took. I don't know why it took
17 that long.
18 Q. Were you asking your attorney why is it taking so
19 long?
20 A. I mean, he was sort of keeping me updated, just, I
21 don't know.
22 Q. Did you ever have any personal or telephone contact
23 or any correspondence with the Wayne County
24 Prosecutor's Office?
25 A. I don't think so.

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- 1 A. I'm pretty sure it was the front passenger's side.
2 Q. How did you get it home?
3 A. My dad filled up my tire and I drove it home. Or I
4 drove it.
5 MR. ASHFORD: Off the record for a
6 moment.
7 (Discussion held off the
8 record.)
9 MR. ASHFORD: Back on the record.
10 BY MR. ASHFORD:
11 Q. Ms. Heilenberg, have you filed any complaint
12 regarding the police action in this case with any
13 public or governmental entity, not including this
14 lawsuit?
15 A. Does that include my car?
16 Q. Sure. The seizure of your car.
17 A. I don't know if I understand what you're saying.
18 Q. I'm saying did you file any kind of complaint with
19 any type of governmental or public entity regarding
20 the police action on May 31, 2008, at the C.A.I.D.?
21 A. Not other than the situation with my car and this
22 situation. So nothing that wasn't, you know,
23 through the ACLU, you know, this proceeding and the
24 car thing.
25 Q. When you say the car thing, did you file a

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- 1 Q. Did you have any personal contact or telephone
2 contact or correspondence with the Detroit Police
3 Department after you left the C.A.I.D.?
4 A. Not until I went and paid for my car.
5 Q. Did you see a Detroit Police officer at the impound
6 lot?
7 A. Yeah.
8 Q. Do you know who that officer was?
9 A. No.
10 Q. Was the individual you saw at the impound lot in a
11 Detroit Police uniform, as far as you could tell?
12 A. Yeah, I think so.
13 Q. How was he dressed?
14 A. Like an officer.
15 Q. He had a badge?
16 A. Yeah.
17 MR. ASHFORD: Off the record.
18 (Discussion held off the
19 record.)
20 MR. ASHFORD: Back on the record.
21 BY MR. ASHFORD:
22 Q. Ma'am, what kind of condition was your car in when
23 it was returned to you?
24 A. It was covered in dust and I had a flat tire.
25 Q. Which tire was flat?

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- 1 complaint regarding the seizure of your car?
2 A. I can't remember what they did. I mean, whatever
3 the lawyers did to get my car back.
4 Q. So, they appeared in the forfeiture hearing for you
5 or the nuisance abatement action?
6 A. Yeah.
7 Q. And you have your lawyers in this lawsuit?
8 A. Right.
9 Q. Did you ever go to the Detroit Police Department or
10 any type of federal agency or any type of state of
11 Michigan agency and make a complaint against the
12 Detroit Police Department?
13 A. Did I personally?
14 Q. Yes.
15 A. No.
16 Q. Were you injured at all on May 31st of 2008,
17 physically injured?
18 A. No.
19 Q. Did you suffer any type of damages or injuries that
20 you have not told us about here today?
21 A. No.

MR. ASHFORD: I have nothing
further.

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CROSS-EXAMINATION

1 BY MS. JAMES:
 2 Q. When the police entered the C.A.I.D. on May 31,
 3 2008, I believe you already described what they
 4 were wearing but can you describe for me whether
 5 they brought anything in or had anything in their
 6 hands?
 7 A. Yes. The ones that, you know, first came in
 8 through the door, into the room where I was, they
 9 had guns.
 10 Q. Do you remember anything else?
 11 A. No.
 12 Q. Do you recall at the time what it is, if anything,
 13 that you focused on visually when they entered?
 14 A. I remember, I really remember the bandanas and the
 15 guns the most.
 16 Q. Okay. I believe you also testified earlier that
 17 you didn't personally observe the police assault
 18 any attendees of the C.A.I.D. or vice-versa.
 19 During the period of time
 20 between when the police entered and when you were
 21 called up and received your ticket were you able to
 22 observe, to the best of your knowledge, all of the
 23 police and the attendees that were in the room or
 24 were there ever police and/or attendees that were
 25

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1 out of your view, that you know of?
 2 A. Yes, I know that most of the or all of the guys
 3 eventually were moved away and outside and I know
 4 that there was probably officers out there with
 5 them so I didn't see them after we were separated.
 6 MS. JAMES: Okay. Nothing further
 7 for me.
 8 MR. ASHFORD: I have no further
 9 questions. Thank you very much, ma'am.
 10 (Deposition concluded at
 11 1:15 p.m.)
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CERTIFICATE OF NOTARY

STATE OF MICHIGAN)

) SS

COUNTY OF WAYNE)

3
 4 I, La Verne M. Reinhardt, CSR, Notary Public
 5 in and for the above county and state, do hereby certify
 6 that the deposition of DARLENE HELLENBERG, was taken
 7 before me at the time and place hereinbefore set forth,
 8 that the witness was duly sworn to testify to the truth,
 9 the whole truth and nothing but the truth, that
 10 thereupon the foregoing questions were asked and
 11 foregoing answers were made by the witness which were
 12 duly recorded by me stenographically and later reduced
 13 to computer transcription; and I certify that this is a
 14 true and correct transcript of my stenographic notes so
 15 taken.

16 I further certify that the signature was
 17 waived by counsel for the respective parties hereto;
 18 also, that I am not of counsel to either party nor
 19 interested in the event of this cause.

20
 21
 22 La Verne M. Reinhardt, CSR-2305
 23 Notary Public, Wayne County, Michigan
 My Commission Expires: 01-02-15

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EXHIBIT 10



Detroit Police Department Activity Log

DATE		PLATOON		DISTRICT AND CAR			SPECIAL EVENT OR DETAIL NAME				
5/30/08		4		VICE							
Vehicle Code 13710	Mileage On Duty 464610	Fuel Level On Duty	Mileage Off Duty 46463	Oil Change Due	Gal of Gas	Total Miles Driven	Video System Functioning?				
P.P.E. Kit #	Rifle /Shotgun Serial #	Car Clean?	Fire Extinguisher?	Hand Spotlight?	Mileage	Spare Inflated?	Repairs Needed / Damage Noted (List all)				
PRINT MEMBER (SYRANK & NAME AND AFFIX SIGNATURE)				BADGE	ON DUTY	OFF DUTY	# O.T. HOURS	TICKET RECAP			
1. SGT D. BUGLO S-444 / SGT C. TURNER				S1260	1100	700		MOV	PARK	PED	MISC/ENV
2. PO C. MCCLENDON 2020 / S. JOHNSON				4610	1100	700					134
3. PO J. PASSMORE 180 / PO T. GRAY				4591	1100	700					
4. PO R. SMITH 4619 11P-7A / LT V. YOST				L-112	1200	800					

RECAP OF ACTIVITY			
Police Runs	Missing Reports Taken	UF-001	JC-02
Felony Arrests	Missing Persons Recovered	UF-002	
Misdemeanor Arrests	Detainees Transferred	UF-003	Drops Submitted for Approval
Juveniles Detained	Witnesses Conveyed	UF-004	Persons Interviewed
Ordinance Complaints	Other Conveyances	UF-005	Detainees Assigned
Traffic Stops	Traffic Crash Reports	UF-006	Detainees Interrogated
Total Males Investigated	Guns Confiscated	UF-007	Warrants Submitted
Total Females Investigated	Confiscated Vehicle (s)	UF-008	Supervisor Runs
Other Citizen Contacts	Weight of Narcotic Seizures	DPD-665	Supervisor (SSC) Runs Responded to
Number of Frisks	Confiscated Currency	DPD-666	Time Spent Desk/Cell Block Duty
Autos Investigated	Time Spent on Surveillance	DPD-667	MLCC Inspections
Autos Recovered	Canine Deployment	DPD-668	MLCC Write-ups
Autos Impounded	Canine Apprehension	DPD-669	Hours on Vice Enforcement
All Recovered Property Value	Contact Brochures Distributed	DPD-670	Entries Entered into MAS
Case Reports (CRISNET)	Hours Spent in Training	JC-01	Investigations Submitted
Miscellaneous Information:	Other Forms or Rpts		

Information: THERE WERE A TOTAL OF 134 MISCELLANEOUS TICKETS WRITTEN DURING EXECUTION OF THE WARRANT

SGT. DANIEL BUGLO		SIGNATURE		5/31/08		2:50 PM	
SUPERVISOR CHECKING THE LOG IN (PRINT RANK/NAME)				DATE CHECKED IN		TIME CHECKED IN	
LT. VICKI YOST		SIGNATURE					
SUPERVISOR REVIEWING THE LOG (PRINT RANK/NAME)				DATE CHECKED IN		DATE CHECKED IN	
LUNCH LOCATION:		TIME LUNCH TAKEN:		VEHICLE KEYS TURNED OVER TO:			
TIME ON PATROL	TIME ON P.R.	480	TIME ON M.A.	TIME ON T.S.	TIME ON I.F.	TIME ON S.D.	TIME ON S.R.
				TIME ON S.S.C.	TIME ON S.I.P.		

FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	S	T	O	P	R	I	S	K	DISPOSITION
1045 P		1100 P	15	MA									ON DUTY ROLL CALL PER LT YOST PREPARING FOR RAID
1100		1200	60	MA									PREPARING FOR EXECUTION OF SEARCH WARRANT
1215				MA									TMU BASE SECONDARY ROLL CALL
1245				MA									TMU BASE STANDING BY AWAITING INFORMATION FROM UC OFFICERS INSIDE THE LOCATION.
220A				MA									5141 ROSA PARKS - EXECUTION OF SEARCH WARRANT



Detroit Police Department Activity Log

							<p>Saturday, MAY 31, 2008, CRISNET 080531-----</p> <p>VICE ENFORCEMENT, (2) TWO NARCOTIC ENFORCEMENT CREWS, AND TMU EXECUTED A SEARCH WARRANT AT 5141 ROSA PARKS, "THE CONTEMPORARY ART MUSEAUM" AT THE ABOVE DATE AND TIME WITH THE FOLLOWING PEOPLE RECEIVING THE FOLLOWING CITATIONS:</p> <p>Def. 1: Engager, doorman: Joseph Timlin, w/m/24, 12/14/83 of 1139 saint aubin, Hamtramck, MI. Iss ord U42346408 for "Engage in illegal occupation" by Lt. V. Yost.</p> <p>Def. 2: Engager, bartender: Jennifer Anne Schraeder, w/f/26, 5/5/82 of 31666 Nixon, Beverly Hills, MI. Iss ord u42346308 for "Engage in illegal occupation" by Sgt. Daniel Buglo</p>
FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	S T O P	F R I S K	DISPOSITION
							<p>Def. 3: Engager, doorman: Christopher Kane Shoemaker, w/m/29, 6/17/78 of 472 Kimberly Apt. 101 Lake Orion, MI. Iss ord U42346208 for "Engage in illegal occupation" by Lt. Yost.</p> <p>Def. 4: Engager, houseman: Brandon Louis Walley, w/m/32, 10/16/75 of 27 E. Willis Apt. 18, Detroit, MI. Iss ord U42346108 for "Engage in illegal occupation" by Sgt. Daniel Buglo.</p>
							<p>Def. 7: Steven Brian Keycia, w/m/20, 7/28/88 of 51490 S. Adelle, New Baltimord, MI. Iss ord U42343008 for "Loiter in a place of illegal occupation" by PO M. Carson.</p> <p>Def. 8: Candice Elisabeth Brandelik, w/f/18, 12/13/89 of 15650 Aspen Drive, Macomb Twp., MI. Iss ord U42342808 for "Loiter in a place of illegal occupation" by PO K. Wheeler.</p> <p>Def. 9: Mary Catherine Fraser, w/f/20, 6/14/88 of 23096 roanoke Ave. Oak Park, MI. Iss ord U42342708 for "Loiter in a place of illegal occupation" by PO D. Holyfield.</p>



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Def. 10: Natalie Elise Viviano, w/f/21, 7/15/86 of 47421 North Ave., Macomb Twp., MI. Iss ord U42342308 for "Loiter in a place of illegal occupation" by PO C. Coleman.

Def. 11: Chelsea Macledd Schultz, w/f/19, 5/24/89 of 14153 Four Lakes Drive, Sterling Heights, MI. Iss ord U42342208 for "Loiter in a place of illegal occupation" by PO D. Carter.

Def. 12: Jessica Marie Crowley, w/f/27, 5/31/82 of 960 Emwill St., Ferndale, MI. Iss ord U42342108 for "Loiter in a place of illegal occupation" by Sgt. J. Pritchett.

Def. 13: Susan Mary Moclzelewski, w/f/19, 10/1/88 of 14321 Troy St. Taylor, MI. Iss ord U42345708 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 14: Olivia Marie Pizzo, w/f/18, 11/8/89 of 810 Timberline Dr. Rochester Hills, MI. Iss ord U42345508 for "Loiter in a place of illegal occupation" by PO T. Gray.

Def. 15: Ashley Renee Lisi, w/f/18, 3/13/90 of 15345 Glenhurst, Southgate, MI. Iss ord U42345308 for "Loiter in a place of illegal occupation" by PO J. Passmore.

Def. 16: Megan Danielle Smedley, w/f/ of 10600 Mt. Vernon Apt 2, Taylor, MI. Iss ord U42345208 for "Loiter in a place of illegal occupation" by PO. S. Johnson.

Def. 17: Brittany elizabeth Dallas, b/f/19, 3/2/89 of 17704 Toepfer, Eastpointe, MI. Iss ord U42343708 for "Loiter in a place of illegal occupation" by PO J. Passmore.

Def. 18: Darlene Celeste Hellenberg, w/f/25, 12/1/82 of 203 College St. Ferndale, MI. Iss ord U42343508 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 19: Lindse Mrie Umlauf, w/f/19, 9/18/80 of 831 Jewell St. Ferndale, MI. Iss ord U42343608 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 20: Jennifer Lynn Agar, w/f/24, 3/13/84 of 21034 Ontacha St. Farmington Hills, MI. Iss ord U42345108 for "Loiter in a place of illegal occupation" by Sgt. Daniel Buglo.

Def. 21: Jessica Lynn Martin, w/f/22, 6/17/85 of 13210 Bloomfield Ave. Warren, MI. Iss ord U42345808 for "Loiter in a place of illegal occupation" by PO J. Passmore.

Def. 22: Madeline Barick, w/f/19, 3/29/89 of 37612 Adrian, Sterling Hgts., MI. Iss ord U42341308 for "Loiter in a place of illegal occupation" by PO K. Singleton.



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Def. 23: Jessical Nicole Decker, w/f/25, 6/10/82 of 1975 Belmont, Hamtramck, MI. Iss ord U42341208 for "Loiter in a place of illegal occupation" by PO J. Kisselburg.

Def. 24: Ryan Paul Gates, w/m/21, 9/11/86 of 7033 N. Blair Ave. royal Oak, MI. Iss ord U42367508 for "Loiter in a place of illegal occupation" by PO J. Cobb-Sanders.

Def. 25: Joy Alicia wells, b/f/20, 12/01/87 of 29224 Lancaster Dr. #208, Southfield, MI. Iss ord U42343108 for "Loiter in a place of illegal occupation" by PO T. Gray.

Def. 26: Erin Elizabeth Ellis, w/f/22, 2/10/86 of 4012 Bagley Detroit, MI. Iss ord U42341108 for "Loiter in a place of illegal occupation" by PO Peacal.

Def. 27: Meghan Hodges, w/f/19, 12/9/88 of 2706 Kipling Ave. Berkley, MI. Iss ord U42344808 for "Loiter in a place of illegal occupation" by PO G. Johnson.

Def. 28: Patricia Ann Sagy, w/f/23, 3/7/85 of 1109 S. geneva Dr. Dewitt, MI. Iss ord U42344508 for "Loiter in a place of illegal occupation" by PO G. Johnson.

Def. 29: Ashley Katherine Moore, b/f/21, 4/29/87 of 21640 Virginia Southfield, MI. Iss ord U42342508 for "Loiter in a place of illegal occupation" by PO G. Johnson.

Def. 30: Amanda Lynn Milke, w/f/18, 10/23/89 of 13316 Talbox Ave. Huntington Woods, MI. Iss ord U42344608 for "Loiter in a place of illegal occupation" by PO J. Kisselburg.

Def. 31: Chelsea H. Macher, w/f/18, 3/22/90 of 43499 Petrucci, Clinton Twp., MI. Iss ord U42342408 for "Loiter in a place of illegal occupation" by PO J. Kisselburg.

Def. 32: Elise Strasz w/f/19, 9/3/88 of 5101 Trumbull, Detroit, MI. Iss ord U42343208 for "Loiter in a place of illegal occupation" by PO S. Jackson.

Def. 33: Anna Stotland, w/f/19, 12/22/88 of 6713 Scotch Lake Dr. W. Bloomfield, MI. Iss ord U42344308 for "Loiter in a place of illegal occupation" by PO S. Jackson.

Def. 34: Lindsay Anne Stover, w/f/27, 5/1/81 of 1415 Parker, Detroit, MI. Iss ord U42344108 for "Loiter in a place of illegal occupation" by PO C. Hopkins.

Def. 35: Jacque Sutton, w/m/21, 5/22/87 of 170 Moross St. Mount Clemons, MI. Iss ord U42367708 for "Loiter in a place of illegal occupation" by Sgt. A. Potts.



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Def. 36: Samantha gold, w/f/18, 10/2/89 of 46701 Kobewater, Macomb, MI. Iss ord U42343308 for "Loiter in a place of illegal occupation" by PO. K. Singleton.

Def. 37: Stephanie Hollander, w/f/20, 11/6/87 of 7269 Creeks Beard Ct. W. Bloomfield, MI. Iss ord U42344208 for "Loiter in a place of illegal occupation" by PO K. Singleton.

Def. 38: Gabrielle Rentz, w/f/18, 11/18/89 of 35165 Kesler Ct. Clinton Twp, MI. Iss ord U42344708 for "Loiter in a place of illegal occupation" by PO K. Singleton.

Def. 39: Corinnie Denomme, w/f/19, 4/3/89 of 204 Robertson, Mt. Clemons, MI. Iss ord U42343408 for "Loiter in a place of illegal occupation" by PO D. Penn.

Def. 40: Anthony Joseph Pratt, w/m/20, 12/12/87 of 2679 Bacon Ave. Berkley, MI. Iss ord U42368908 for "Loiter in a place of illegal occupation" by PO M. Laws.

Def. 41: Austin Jones, w/m/20, 7/5/87 of 6682 Swartout Rd. Algonac, MI. Iss ord U42368808 for "Loiter in a place of illegal occupation" by PO M. Carson.

Def. 42: Ashley Rae Hogan, w/f/20, 8/24/87 of 18865 Cass Ave. Apt 102, Clinton Twp., MI. Iss ord U42368708 for "Loiter in a place of illegal occupation" by Sgt. J. Pritchett.

Def. 43: Carlos Antonio Padilla, w/m/19, 9/19/88 of 367 McMillan Rd. Grosse Pte., MI. Iss ord U42368508 for "Loiter in a place of illegal occupation" by PO D. Holyfield.

Def. 44: Camile Jay Pomaville, w/f/18, 1/19.80 of 17089 White Plains Dr., Macomb, MI. Iss ord U42368608 for "Loiter in a place of illegal occupation" by PO K. Wheeler.

Def. 45: Marian Louise Schmidt, w/f/19, 1/31/89 of 641 University Place, Grosse Pte., MI. Iss ord U42368408 for "Loiter in a place of illegal occupation" by PO C. Coleman.

Def. 46: Audrianna Lizette Alvarado, b/f/18, 7/10/89 of 17395 Fenton Detroit, MI. Iss ord U42368308 for "Loiter in a place of illegal occupation" by PO M. Laws.

Def. 47: Brittany Kimberly Jestice, w/f/22, 4/18/86 of 505 Fort Dearborn St. Dearborn, MI. Iss ord U42340408 for "Loiter in a place of illegal occupation" by PO T. Gray.

Def. 48: Leah Christian Garvonic, w/f/20, 8/26/87 of 39757 Berkley, Clinton Twp., MI. Iss ord U42344408 for "Loiter in a place of illegal occupation" by PO D. Penn.

Def. 49: Kimberly Georgins Khamo, w/f/20, 1/31/88 of 5255 Main St. Clawson, MI. Iss ord U42340308 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 50: Tabitha Tabv. w/f/21. 10/24/86. of 2217 Salmon St. Dearborn, MI. Iss ord U42340208 for "Loiter in a place of illegal occupation" by PO D. Penn.



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Def. 50: Tabitha Taby, w/f/21, 10/24/86, of 2217 Salmon St. Manchester, NH. Iss ord U42367208 for "Loiter in a place of illegal occupation" by PO M. Newton.

Def. 51: Brian Edward, w/m/19, 1/8/89 of 17617 Margate Ave. Lathrup Village, MI. Iss ord U42367108 for "Loiter in a place of illegal occupation" by PO J. Cobb-Sanders.

Def. 52: Jenna Marie Rinke, b/f/18, 4/21/89 of 37875 Hobarth Rd. Chesterfield Twp. Iss ord U42345608 for "Loiter in a place of illegal occupation" by Sgt. C. Turner.

Def. 53: Sarah Catherine Mercury, w/f/25, 7/26/82 of 2720 Rosa Parks Blvd. Detroit, MI. Iss ord U42345408 for "Loiter in a place of illegal occupation" by PO T. Gray.

Def. 54: Lynn Marie Losh, w/f/20, 12/10/87 of 15754 Lenore, Redford, MI. Iss ord U42346008 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 55: MichellD Ruth Runde, w/f/21, 5/24/87 of 1551 W. Davison Lake Rd. Oxford, MI. Iss ord U42340208 for "Loiter in a place of illegal occupation" by PO C. Jenkins.

Def. 56: Nicole Pedley, w/f/20, 5/24/88 of 20914 Hayes, Taylor, MI. Iss ord U42344908 for "Loiter in a place of illegal occupation" by PO D. Penn.

Def. 57: Joshua Wilson, w/m, 5/9/83 of 2242 15th St. Wyandotte, MI. Iss ord U410092508 for "Loiter in a place of illegal occupation" by PO B. Cole.

Def. 58: Robert Anthony Moglia, w/m, 10/30/77 of 1924 Axtell Dr. Apt 4 Troy, MI. Iss ord U41092408 for "Loiter in a place of illegal occupation" by Sgt. G. McWhorter.

Def. 59: Neil Matouka, w/m, 6/3/88 of 24040 Republic, Oak Park, MI. Iss ord U41092308 for "Loiter in a place of illegal occupation" by PO J. Cobb-Sanders.

Def. 60: Michael Peter White, w/m, 6/16/83 of 9706 N. 17th, Plainwell, MI. Iss ord U41092208 for "Loiter in a place of illegal occupation" by PO B. Cole.

Def. 61: Alexander Owen Elso, w/m/, 9/21/87 of 184 Beoland, Mt. Clemens, MI. Iss ord U42363908 for "Loiter in a place of illegal occupation" by PO M. Brown.

Def. 62: James William Washington, b/m/, 11/2/80 of 13887 Mackay, Detroit, MI. Iss ord U42363708 for "Loiter in a place of illegal occupation" by PO M. Brown



Detroit Police Department Activity Log

Def. 63: Jordan Gregory Calamia w/m, 8/18/88 of 40377 Mount Vernon Dr. Sterling Heights, MI. Iss ord U42366008 for "Loiter in a place of illegal occupation" by PO G. Johnson.

Def. 64: Camilo Acosta, w/m/18, 7/27/89, of 14884 Atwater Dr. Sterling Hgts., MI. Iss ord U42361608 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 65: Robert Andrew St. w/m/21, 15721 Camden Dr. Macomb, MI. Iss ord U42361508 for "Loiter in a place of illegal occupation" by Sgt. Daniel Buglo.

Def. 66: Buri Ahmed Khan, w/m, 5/13/84 of 1913 E. Lincoln Ave. Royal Oak, MI. Iss ord U42361008 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 67: Caitlin Dwne Bruce-Campo, w/f, 2/18/89, of 39500 Chart St. Harrison Twp., MI. Iss ord U42361408 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 68: Peter Richard Gibbs, w/m/21, 4/21/87 of 549 Troywood Dr. Troy, MI. Iss ord U41093908 for "Loiter in a place of illegal occupation" by PO D. Holyfield.

Def. 69: Brian James Rozman, w/m/35, 11/27/72 of 1837 Beechmont, Deego Harbor, MI. Iss ord U42361308 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 70: Michael Wayne Malosevich, w/m, 6/18/86 of 436 W. Drayton, Ferndale, MI. Iss ord U41092108 for "Loiter in a place of illegal occupation" by PO B. Cole.

Def. 71: Matthew Steven Smyth, w/m/22, 12/12/85 of 15438 Leona Dr. Redford, MI. Iss ord U42361208 for "Loiter in a place of illegal occupation" by PO J. Passmore.

Def. 72: Anthony Alan Caruso, w/m/24, 4/24/84, of 825 SE Bidwell, Portland, OR. Iss ord U42365908 for "Loiter in a place of illegal occupation" by PO K. Singleton.

Def. 73: James William Washington, b/m, 11/2/80 of 13887 Mackay, Detroit, MI. Iss ord U42363708 for "Loiter in a place of illegal occupation" by Sgt. McWhorter.

Def. 74: Patrick Davis w/m, 2/11/86 of 5256 Jaime Ln. Flushing, MI. Iss ord U42363508 for "Loiter in a place of illegal occupation" by PO J. Cobb-Sanders.

Def. 75: Nicholes John Ernst, w/m, 9/25/81 of 1765 Gardenia Apt 215, Royal Oak, MI. Iss ord U42363608 for "Loiter in a place of illegal occupation" by PO M. Laws.

Def. 76: Nathaniel Price, w/m, 9/6/87 of 604 W. Lewiston Ave. Ferndale, MI. Iss ord U42363208 for "Loiter in a place of illegal occupation" by Sgt. A. Potts.



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Def. 77: Douglas Addison Hodges, w/m, 10/28/85 of 8166 Turntable, Grosse Ile, MI. Iss ord U42363108 for "Loiter in a place of illegal occupation" by PO M. Newton.

Def. 78: Aaron Bondroff, w/m, 12/2/82, of 14361 Westpoint St. Taylor, MI. Iss ord U42363308 for "Loiter in a place of illegal occupation" by PO J. Cobb-Sanders.

Def. 79: George Strickland, w/m/20, 11/02/87 of 8545 Glengarry Rd. Grosse Ile, MI. Iss ord U42365808 for "Loiter in a place of illegal occupation" by PO D. Penn.

Def. 80: Joseph Pistono Jr. w/m/22, 2/27/86 of 41874 Pond View Dr. Sterling Heights, MI. Iss ord U42365708 for "Loiter in a place of illegal occupation" by PO J. Kisselburg.

Def. 81: Jacob Timlin, w/m, 9/18/72 of 27111 Park Ct. Madison Hgts., MI. Iss ord U41094108 for "Loiter in a place of illegal occupation" by PO J. Cobb-Sanders.

Def. 82: Adam Cornelius, w/m/25, 10/24/82, of 3720 winchell Ave. Apt. P305, Kalamazoo, MI. Iss ord U42365608 for "Loiter in a place of illegal occupation" by PO G. Johnson.

Def. 83: James Gross, w/m, 2/23/87, of 47729 Falcon Dr. Shelby Twp., MI. Iss ord U41092708 for "Loiter in a place of illegal occupation" by PO J. Cobb-Sanders.

Def. 84: Zachary Varela, w/m/20, 4/21/88 of 19342 Brandywine Riverview, MI. Iss ord U42365408 for "Loiter in a place of illegal occupation" by PO S. Jackson.

Def. 85: Stephen Paul Webster, w/m/25, 3/3/83 of 4409 W. Isabella, Shepheard, MI. Iss ord U42365508 for "Loiter in a place of illegal occupation" by PO K. Singleton.

Def. 86: Jason Anthony Leverette-Saunders, w/m, 6/11/83 of 16232 Normandy St. Detroit, MI. Iss ord U41092808 for "Loiter in a place of illegal occupation" by PO T. Gray.

Def. 87: James William Czech, w/m/25, 4/16/83 of 20304 Hollywood, Harper Woods, MI. Iss ord U42365108 for "Loiter in a place of illegal occupation" by PO J. Kisselburg.

Def. 88: Daniel Brancheau, w/m/24, 1/30/84, of 9615 Blaxy St. Taylor, MI. Iss ord U42365308 for "Loiter in a place of illegal occupation" by PO K. Singleton.

Def. 89: Joshua Adams, w/m/27, 5/20/81 of 337 Ford Ave. Wyandott, MI. Iss ord U42365208 for "Loiter in a place of illegal occupation" by PO D. Penn.



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Def. 90: Patrick Dewan, w/m/19, 8/4/88 of 8440 Yale, Oak Park, MI. Iss ord U42342008 for "Loiter in a place of illegal occupation" by PO G. Johnson.

Def. 91: Doka Juncaj, w/m, 6/25/90, of 16972 Compania, Macomb Twp., MI. Iss ord U42341908 for "Loiter in a place of illegal occupation" by PO K. Singleton.

Def. 92: Molly ann Blaklowski, w/f/17, 1/25/91 of 580 bolinger, Rochester Hills, MI. Iss ord U42341708 for "Loiter in a place of illegal occupation" by PO D. Penn.

Def. 93: Ashley Josephine Carnaghi, w/f/23, 6/22/84 of 19374 Cumberland Way, Detroit, MI. Iss ord U42341608 for "Loiter in a place of illegal occupation" by PO J. Kisselbury.

Def. 94: Martha Wojtaszck, w/f/20, 8/23/87 of 1324 Keywest, Troy, MI. Iss ord U42341408 for "Loiter in a place of illegal occupation" by PO S. Jackson.

Def. 95: Thomas Mahler, w/m, 9/2/87 of 741 w. Lewiston Ave., Ferndale, MI. Iss ord U42364008 for "Loiter in a place of illegal occupation" by PO B. Cole.

Def. 96: Ian Mobley, w/m, 11/6/87 of 18157 Mulberry St. Riverview, MI. Iss ord U42367608 for "Loiter in a place of illegal occupation" by Sgt. A. Potts.

Def. 97: Jason wysocki, w/m, 8/24/87 of 21669 Overland Ct. Macomb Twp., MI. Iss ord U42363808 for "Loiter in a place of illegal occupation" by Sgt. G. McWhorter.

Def. 98: Stephen Michael Brown, b/m/22, 1/13/86 of 24240 Ithaca St. Oak Park, MI. Iss ord U42361108 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 99: Michael Thomas Rozman, w/m, 10/30/71 of 1837 Beechmont St. Keego Harbor, MI. Iss ord U42343908 for "Loiter in a place of illegal occupation" by Sgt. Daniel Buglo.

Def. 100: Thomas Anthony Cole, w/m/20, 2/22/88 of 20917 Ivy Circle, Macomb Twp., MI. Iss ord U42360808 for "Loiter in a place of illegal occupation" by Sgt. Turner.

Def. 101: Damien Ryan Mayo, b/m/24, 2/5/84 of 5644 Martell Dr. Troy, MI. Iss ord U42360908 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 102: Bruce russell Nichols, Jr., w/m/22, 10/30/85 of 30 N. Edgewood Dr. Grosse Pointe, MI. Iss ord U42360308 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 103: Scott Thomas Hughes, w/m/23, 10/23/84 of 21450 HCI Jackson, Grosse Ile., MI. Iss ord U42360208 for "Loiter in a place of illegal occupation" by Sgt. C. Turner.



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Def. 104: Amada B. Sandrik, w/f/19, 12/25/88 of 12908 Grande Poplar Cr., Plainfield, IL. Iss ord U42340508 for "Loiter in a place of illegal occupation" by Sgt. C. Turner.

Def. 105: Joel Daniel Axner, w/m/26, 3/16/82 of 1808 Meadow Wood, Ypsilanti, MI. Iss ord U42340608 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 106: Mark Julius Kiselivoas, w/m/24, 3/22/84 of 50 W. Bernhard Ave. Hazel Park, MI. Iss ord U42360108 for "Loiter in a place of illegal occupation" by PO S. Johnson

Def. 107: Stefanie Marie Bockenstell, w/f/20, 8/7/87 of 23225 Lakewood St. Clinton Twp., MI. Iss ord U42340108 for "Loiter in a place of illegal occupation" by Sgt. C. Turner.

Def. 108: Angela Sexton, w/f, 7/24/87 of 1348 Fielding, Ferndale, MI. Iss ord U42341508 for "Loiter in a place of illegal occupation" by PO G. Johnson.

Def. 109: Jennifer Ann Moore, w/f/19, 5/31/89 of 37201 Willow Ln, Clinton Twp., MI. Iss ord U42341008 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 110: Derrick Walker, w/m, 9/18/85 of 321 E. 11 Mile Rd. 205, Royal Oak, MI. Iss ord U42367408 for "Loiter in a place of illegal occupation" by PO M. Law.

Def. 111: Michael Steven Diclaudio, w/m, 9/14/87 of 8610 Ferry Rd. Grosse Ile, MI. Iss ord U42367808 for "Loiter in a place of illegal occupation" by PO M. Law.

Def. 112: Dalton Tosolt, w/m, 8/2/89 of 321 E. 11 Mile Rd. Royal Oak, MI. Iss ord U42367908 for "Loiter in a place of illegal occupation" by PO J. Cobb-Sanders.

Def. 113: Brett Adam Donlon, w/m, 10/18/88 of 1459 17th, Wyandotte, MI. Iss ord U42368008 for "Loiter in a place of illegal occupation" by PO M. Newton.

Def. 114: Michael Thomas, w/m, 4/21/86 of 22047 Dand, Eastpointe, MI. Iss ord U42367308 for "Loiter in a place of illegal occupation" by PO J. Cobb-Sanders.

Def. 115: Brittany Ann Vercak, w/f/18, 4/23/90, of 11358 Bryden, Taylor, MI. Iss ord U42340908 for "Loiter in a place of illegal occupation" by PO J. Passmore.

Def. 116: Ryan Keith Savoie, w/m, 10/28/83 of 3052 Sunrise Dr. Crown Point, IN. Iss ord U42340808 for "Loiter in a place of illegal occupation" by Sgt. C. Turner.

Def. 117: Angie Wong, w/f/22, 2/2/86, of 20307 Sunnyside St. St. Clair Shores, MI. Iss ord U42345908 for "Loiter in a place of illegal occupation" by Sgt. C. Turner.



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Def. 118: Chad Michael Medina, w/m/23, 9/28/84, of 23524 Pinewood, Taylor, MI. Iss ord U42340708 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 119: Michael Anthony Mazzeo, w/m, 5/24/87 of 143 S. Highland, Mt. Clemens, MI. Iss ord U42363408 for "Loiter in a place of illegal occupation" by PO M. Laws.

Def. 120: Erik Scott-Pearson Johnson, w/m/18 of 158 Maplefield Rd. Pleasant Ridge, MI. Iss ord U41093408 for "Loiter in a place of illegal occupation" by PO K. Wheeler.

Def. 121: Michael Bennett Fellsman, w/m/20, 9/8/87 of 37635 Charter Oaks Blvd. Clinton Twp., MI. Iss ord U42360608 for "Loiter in a place of illegal occupation" by Sgt. C. Turner.

Def. 122: Mark Jerome Kaiser, w/m, 1/18/61 of 31315 Carion Dr., Warren, MI. Iss ord U42360508 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 123: Paul Matthew Kaiser, w/m/37, 6/22/70 of 676 Windsong Dr., Rochester Hills, MI. Iss ord U42360408 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 124: Christopher Robert Figliouli, w/m/20, 5/21/88 of 21067 Woodland, Macomb Twp., MI. Iss ord U42360708 for "Loiter in a place of illegal occupation" by PO J. Passmore.

Def. 125: Devon Dermott-Paul Mitchell, Jr., b/m/24, 3/3/84 of 5190 Bronco Dr. Clarkston, MI. Iss ord U41093808 for "Loiter in a place of illegal occupation" by PO C. Coleman.

Def. 126: Robert John Robinette, w/m/25, 3/4/83 of 3/4/83 of 2535 Romance Rd. Portage, MI. Iss ord U41093608 for "Loiter in a place of illegal occupation" by Sgt. J. Pritchett.

Def. 127: Robert Emmett McLeod III, w/m/25, 1/14/83, of 607 Farmdale, Rd., Ferndale, MI. Iss ord U41093708 for "Loiter in a place of illegal occupation" by Sgt. J. Pritchett.

Def. 128: Jake Andrew Gross, w/m/21, 10/26/86 of 8863 Carriage Hill Dr., Shelby Twp., MI. Iss ord U41093508 for "Loiter in a place of illegal occupation" by PO K. Wheeler.

Def. 129: Christopher Andy Krsteski, w/m/27, of 38688 Byriver St. Clinton Twp., MI. Iss ord U42343808 for "Loiter in a place of illegal occupation" by PO D. Carter.

Def. 130: Joel Alexander Bernier, w/m/29, 2/13/79 of 39063 Early Drive, Sterling Hgts., MI. Iss ord U41093308 for "Loiter in a place of illegal occupation" by PO D. Holyfield.

Def. 131: Garrett Patrick Vernon, w/m/18, 6/28/69 of 12350 Lennry Ave. Shelby Twp., MI. Iss ord U41093208 for "Loiter in a place of illegal occupation" by PO C. Coleman.

[illegible]

EXHIBIT 11

DETROIT POLICE DEPARTMENT CRIME REPORT

2:10-cv-10078-VAR-MAN Doc 1-84-2 Filed 04/17/12 Pg 2 of 8 Pg ID 1959

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Subject: EXECUTION OF SEARCH WARRANT-5141 ROSA PARKS BLVD-VICE ENFORCEMENT

Case Report Status I - IN PROCESS
County 82 - WAYNE
City/Township 99 - DETROIT

Date Entered 5/31/2008 7:42:44 AM
Entered By 231996 - BUGLO, DANIEL

Reporting Officer
231996 - BUGLO, DANIEL

Occurred On 5/31/2008 2:20:00 AM
(and Between)

Date Verified
Verified By
Date Approved

Assisted By

Location 5141 ROSA PARKS BLVD.
CSZ

Connecting Cases

Assist Agency

Census/Geo Code 5150
Grid C2 - 0102
Call Source OTHER

Disposition
Tactical Actions
Clearance Reason
Date of Clearance

CITATION

Vehicle Activity
Vehicle Travelling
Cross Street

Reporting Agency DETROIT POLICE DEPARTMENT
Division VICE SECTION
Notified

Means
Other Means
Motive
Other Motives

Report Narrative ON THE ABOVE DATE AND TIME, VICE ENFORCEMENT, NARCOTICS CODE 3025 AND 2913 AND TACTICAL MOBILE, DISTRICT EXECUTED A SEARCH WARRANT NUMBER 08001827 ON 5141 ROSA PARKS BLVD WITH THE FOLLOWING ENFORCEMENT ACTIONS:

DEF. 1: ENGAGER, DOORMAN: JOSEPH TIMLIN, W/M/24, 12/14/83 OF 1139 SAINT AUBIN, HAMTRAMCK, MI. ISS ORD U42346408 FOR "ENGAGE IN ILLEGAL OCCUPATION" BY LT. V. YOST.

DEF. 2: ENGAGER, BARTENDER: JENNIFER ANNE SCHRAEDER, W/F/26, 5/5/82 OF 31666 NIXON, BEVERLY HILLS, MI. ISS ORD U42346308 FOR "ENGAGE IN ILLEGAL OCCUPATION" BY SGT. DANIEL BUGLO.

DEF. 3: ENGAGER, DOORMAN: CHRISTOPHER KANE SHOEMAKER, W/M/29, 6/17/78 OF 472 KIMBERLY APT. 101 LAKE ORION, MI. ISS ORD U42346208 FOR "ENGAGE IN ILLEGAL OCCUPATION" BY LT. YOST.

DEF. 4: ENGAGER, HOUSEMAN: BRANDON LOUIS WALLEY, W/M/32, 10/16/75 OF 27 E. WILLIS APT. 18, DETROIT, MI. ISS ORD U42346108 FOR "ENGAGE IN ILLEGAL OCCUPATION" BY SGT. DANIEL BUGLO.

DEF. 5: KAYLA ARLETTE-WHITNEY BURTON, W/F/21, 4-15-87 OF 15805 W. 11 MILE APT 105, SOUTHFIELD, MI. ISS ORD U42368208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO C. COLEMAN.

DEF. 6: MEGAN MARIE LLAMAS, W/F/24, 7/31/83 OF 203 COLLEGE, FERNDAL, MI. ISS ORD U42368108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. CARTER.

DEF. 7: STEVEN BRIAN KEYCIA, W/M/20, 7/28/88 OF 51490 S. ADELLE, NEW BALTIMORE, MI. ISS ORD U42343008 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. CARSON.

DEF. 8: CANDICE ELISABETH BRANDELIK, W/F/18, 12/13/89 OF 15650 ASPEN DRIVE, MACOMB TWP., MI. ISS ORD U42342808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. WHEELER.

DEF. 9: MARY CATHERINE FRASER, W/F/20, 6/14/88 OF 23096 ROANOKE AVE. OAK PARK, MI. ISS ORD U42342708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. HOLYFIELD.

DEF. 10: NATALIE ELISE VIVIANO, W/F/21, 7/15/86 OF 47421 NORTH AVE., MACOMB TWP., MI. ISS ORD U42342308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO C. COLEMAN.

DEF. 11: CHELSEA MACLEDD SCHULTZ, W/F/19, 5/24/89 OF 14153 FOUR LAKES DRIVE, STERLING HEIGHTS, MI. ISS ORD U42342208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. CARTER.

DEF. 12: JESSICA MARIE CROWLEY, W/F/27, 5/31/82 OF 960 EMWILL ST., FERNDAL, MI. ISS ORD U42342108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. J. PRITCHETT.

DEF. 13: SUSAN MARY MOCLZELEWSKI, W/F/19, 10/1/88 OF 14321 TROY ST. TAYLOR, MI. ISS ORD U42345708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

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- DEF. 14: OLIVIA MARIE PIZZO, W/F/18, 11/8/89 OF 810 TIMBERLINE DR. ROCHESTER HILLS, MI. ISS ORD U42345508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO T. GRAY.
- DEF. 15: ASHLEY RENEE LISI, W/F/18, 3/13/90 OF 15345 GLENHURST, SOUTHGATE, MI. ISS ORD U42345308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. PASSMORE.
- DEF. 16: MEGAN DANIELLE SMEDLEY, W/F/ OF 10600 MT. VERNON APT 2, TAYLOR, MI. ISS ORD U42345208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO. S. JOHNSON.
- DEF. 17: BRITTANY ELIZABETH DALLAS, B/F/19, 3/2/89 OF 17704 TOEPFER, EASTPOINTE, MI. ISS ORD U42343708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. PASSMORE.
- DEF. 18: DARLENE CELESTE HELLENBERG, W/F/25, 12/1/82 OF 203 COLLEGE ST. FERNDALE, MI. ISS ORD U42343508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.
- DEF. 19: LINDSE MRIE UMLAUF, W/F/19, 9/18/80 OF 831 JEWELL ST. FERNDALE, MI. ISS ORD U42343608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.
- DEF. 20: JENNIFER LYNN AGAR, W/F/24, 3/13/84 OF 21034 ONTACHA ST. FARMINGTON HILLS, MI. ISS ORD U42345108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. DANIEL BUGLO
- DEF. 21: JESSICA LYNN MARTIN, W/F/22, 6/17/85 OF 13210 BLOOMFIELD AVE. WARREN, MI. ISS ORD U42345808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. PASSMORE.
- DEF. 22: MADELINE BARICK, W/F/19, 3/29/89 OF 37612 ADRIAN, STERLING HGTS., MI. ISS ORD U42341308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. SINGLETON.
- DEF. 23: JESSICAL NICOLE DECKER, W/F/25, 6/10/82 OF 1975 BELMONT, HAMTRAMCK, MI. ISS ORD U42341208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. KISSELBURG.
- DEF. 24: RYAN PAUL GATES, W/M/21, 9/11/86 OF 7033 N. BLAIR AVE. ROYAL OAK, MI. ISS ORD U42367508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. COBB-SANDERS.
- DEF. 25: JOY ALICIA WELLS, B/F/20, 12/01/87 OF 29224 LANCASTER DR. #208, SOUTHFIELD, MI. ISS ORD U42343108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO T. GRAY.
- DEF. 26: ERIN ELIZABETH ELLIS, W/F/22, 2/10/86 OF 4012 BAGLEY DETROIT, MI. ISS ORD U42341108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO PEACAL.
- DEF. 27: MEGHAN HODGES, W/F/19, 12/9/88 OF 2706 KIPLING AVE. BERKLEY, MI. ISS ORD U42344808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO G. JOHNSON.
- DEF. 28: PATRICIA ANN SAGY, W/F/23, 3/7/85 OF 1109 S. GENEVA DR. DEWITT, MI. ISS ORD U42344508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO G. JOHNSON.
- DEF. 29: ASHLEY KATHERINE MOORE, B/F/21, 4/29/87 OF 21640 VIRGINIA SOUTHFIELD, MI. ISS ORD U42342508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO G. JOHNSON.
- DEF. 30: AMANDA LYNN MILKE, W/F/18, 10/23/89 OF 13316 TALBOX AVE. HUNTINGTON WOODS, MI. ISS ORD U42344608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. KISSELBURG.
- DEF. 31: CHELSEA H. MACHER, W/F/18, 3/22/90 OF 43499 PETRUCCI, CLINTON TWP., MI. ISS ORD U42342408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. KISSELBURG.
- DEF. 32: ELISE STRASZ W/F/19, 9/3/88 OF 5101 TRUMBULL, DETROIT, MI. ISS ORD U42343208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JACKSON.
- DEF. 33: ANNA STOTLAND, W/F/19, 12/22/88 OF 6713 SCOTCH LAKE DR. W. BLOOMFIELD, MI. ISS ORD U42344308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JACKSON.
- DEF. 34: LINDSAY ANNE STOVER, W/F/27, 5/1/81 OF 1415 PARKER, DETROIT, MI. ISS ORD U42344108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO C. HOPKINS.
- DEF. 35: JACQUE SUTTON, W/M/21, 5/22/87 OF 170 MOROSS ST. MOUNT CLEMONS, MI. ISS ORD U42367708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. A. POTTS.
- DEF. 36: SAMANTHA GOLD, W/F/18, 10/2/89 OF 46701 KOBOWATER, MACOMB, MI. ISS ORD U42343308 FOR "LOITER IN A

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DEF. 37: STEPHANIE HOLLANDER, W/F/20, 11/6/87 OF 7269 CREEKS BEARD CT. W. BLOOMFIELD, MI. ISS ORD U42344208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. SINGLETON.

DEF. 38: GABRIELLE RENTZ, W/F/18, 11/18/89 OF 35165 KESLER CT. CLINTON TWP, MI. ISS ORD U42344708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. SINGLETON.

DEF. 39: CORINNIE DENOMME, W/F/19, 4/3/89 OF 204 ROBERTSON, MT. CLEMONS, MI. ISS ORD U42343408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. PENN.

DEF. 40: ANTHONY JOSEPH PRATT, W/M/20, 12/12/87 OF 2679 BACON AVE. BERKLEY, MI. ISS ORD U42368908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. LAWS.

DEF. 41: AUSTIN JONES, W/M/20, 7/5/87 OF 6682 SWARTOUT RD. ALGONAC, MI. ISS ORD U42368808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. CARSON.

DEF. 42: ASHLEY RAE HOGAN, W/F/20, 8/24/87 OF 18865 CASS AVE. APT 102, CLINTON TWP., MI. ISS ORD U42368708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. J. PRITCHETT.

DEF. 43: CARLOS ANTONIO PADILLA, W/M/19, 9/19/88 OF 367 MCMILLAN RD. GROSSE PTE., MI. ISS ORD U42368508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. HOLYFIELD.

DEF. 44: CAMILE JAY POMAVILLE, W/F/18, 1/19.80 OF 17089 WHITE PLAINS DR., MACOMB, MI. ISS ORD U42368608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. WHEELER.

DEF. 45: MARIAN LOUISE SCHMIDT, W/F/19, 1/31/89 OF 641 UNIVERSITY PLACE, GROSSE PTE., MI. ISS ORD U42368408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO C. COLEMAN.

DEF. 46: AUDRIANNA LIZETTE ALVARADO, B/F/18, 7/10/89 OF 17395 FENTON DETROIT, MI. ISS ORD U42368308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. LAWS.

DEF. 47: BRITTANY KIMBERLY JESTICE, W/F/22, 4/18/86 OF 505 FORT DEARBORN ST. DEARBORN, MI. ISS ORD U42340408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO T. GRAY.

DEF. 48: LEAH CHRISTIAN GARVONIC, W/F/20, 8/26/87 OF 39757 BERKLEY, CLINTON TWP., MI. ISS ORD U42344408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. PENN.

DEF. 49: KIMBERLY GEORGINA KHAMO, W/F/20, 1/31/88 OF 5255 MAIN ST. CLAWSON, MI. ISS ORD U42340308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 50: TABITHA TABY, W/F/21, 10/24/86, OF 2217 SALMON ST. MANCHESTER, NH. ISS ORD U42367208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. NEWTON.

DEF. 51: BRIAN EDWARD, W/M/19, 1/8/89 OF 17617 MARGATE AVE. LATHRUP VILLAGE, MI. ISS ORD U42367108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. COBB-SANDERS.

DEF. 52: JENNA MARIE RINKE, B/F/18, 4/21/89 OF 37875 HOBARTH RD. CHESTERFIELD TWP. ISS ORD U42345608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. C. TURNER.

DEF. 53: SARAH CATHERINE MERCURY, W/F/25, 7/26/82 OF 2720 ROSA PARKS BLVD. DETROIT, MI. ISS ORD U42345408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO T. GRAY.

DEF. 54: LYNN MARIE LOSH, W/F/20, 12/10/87 OF 15754 LENORE, REDFORD, MI. ISS ORD U42346008 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 55: MICHELLE RUTH RUNDE, W/F/21, 5/24/87 OF 1551 W. DAVISON LAKE RD. OXFORD, MI. ISS ORD U42340208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO C. JENKINS.

DEF. 56: NICOLE PEDLEY, W/F/20, 5/24/88 OF 20914 HAYES, TAYLOR, MI. ISS ORD U42344908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. PENN.

DEF. 57: JOSHUA WILSON, W/M, 5/9/83 OF 2242 15TH ST. WYANDOTTE, MI. ISS ORD U410092508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO B. COLE.

DEF. 58: ROBERT ANTHONY MOGLIA, W/M, 10/30/77 OF 1924 AXTELL DR. APT 4 TROY, MI. ISS ORD U41092408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. G. MCWHORTER.

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DEF. 59: NEIL MATOUKA, W/M, 6/3/88 OF 24040 REPUBLIC, OAK PARK, MI. ISS ORD U41092308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. COBB-SANDERS.

DEF. 60: MICHAEL PETER WHITE, W/M, 6/16/83 OF 9706 N. 17TH, PLAINWELL, MI. ISS ORD U41092208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO B. COLE.

DEF. 61: ALEXANDER OWEN ELSO, W/M, 9/21/87 OF 184 BEOLAND, MT. CLEMENS, MI. ISS ORD U42363908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. BROWN.

DEF. 62: JAMES WILLIAM WASHINGTON, B/M, 11/2/80 OF 13887 MACKAY, DETROIT, MI. ISS ORD U42363708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. BROWN.

DEF. 63: JORDAN GREGORY CALAMIA W/M, 8/18/88 OF 40377 MOUNT VERNON DR. STERLING HEIGHTS, MI. ISS ORD U42366008 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO G. JOHNSON.

DEF. 64: CAMILO ACOSTA, W/M/18, 7/27/89, OF 14884 ATWATER DR. STERLING HGTS., MI. ISS ORD U42361608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 65: ROBERT ANDREW ST. W/M/21, 15721 CAMDEN DR. MACOMB, MI. ISS ORD U42361508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. DANIEL BUGLO.

DEF. 66: BURI AHMED KHAN, W/M, 5/13/84 OF 1913 E. LINCOLN AVE. ROYAL OAK, MI. ISS ORD U42361008 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 67: CAITLIN DWNE BRUCE-CAMPO, W/F, 2/18/89, OF 39500 CHART ST. HARRISON TWP., MI. ISS ORD U42361408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 68: PETER RICHARD GIBBS, W/M/21, 4/21/87 OF 549 TROYWOOD DR. TROY, MI. ISS ORD U41093908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. HOLYFIELD.

DEF. 69: BRIAN JAMES ROZMAN, W/M/35, 11/27/72 OF 1837 BEECHMONT, DEEGO HARBOR, MI. ISS ORD U42361308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 70: MICHAEL WAYNE MALOSEVICH, W/M, 6/18/86 OF 436 W. DRAYTON, FERNDALE, MI. ISS ORD U41092108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO B. COLE.

DEF. 71: MATTHEW STEVEN SMYTH, W/M/22, 12/12/85 OF 15438 LEONA DR. REDFORD, MI. ISS ORD U42361208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. PASSMORE.

DEF. 72: ANTHONY ALAN CARUSO, W/M/24, 4/24/84, OF 825 SE BIDWELL, PORTLAND, OR. ISS ORD U42365908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. SINGLETON.

DEF. 73: JAMES WILLIAM WASHINGTON, B/M, 11/2/80 OF 13887 MACKAY, DETROIT, MI. ISS ORD U42363708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. MCWHORTER.

DEF. 74: PATRICK DAVIS W/M, 2/11/86 OF 5256 JAIME LN. FLUSHING, MI. ISS ORD U42363508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. COBB-SANDERS.

DEF. 75: NICHOLAS JOHN ERNST, W/M, 9/25/81 OF 1765 GARDENIA APT 215, ROYAL OAK, MI. ISS ORD U42363608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. LAWS.

DEF. 76: NATHANIEL PRICE, W/M, 9/6/87 OF 604 W. LEWISTON AVE. FERNDALE, MI. ISS ORD U42363208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. A. POTTS.

DEF. 77: DOUGLAS ADDISON HODGES, W/M, 10/28/85 OF 8166 TURNTABLE, GROSSE ILLE, MI. ISS ORD U42363108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. NEWTON.

DEF. 78: AARON BONDROFF, W/M, 12/2/82, OF 14361 WESTPOINT ST. TAYLOR, MI. ISS ORD U42363308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. COBB-SANDERS.

DEF. 79: GEORGE STRICKLAND, W/M/20, 11/02/87 OF 8545 GLENGARRY RD. GROSSE ILLE, MI. ISS ORD U42365808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. PENN.

DEF. 80: JOSEPH PISTONO JR. W/M/22, 2/27/86 OF 41874 POND VIEW DR. STERLING HEIGHTS, MI. ISS ORD U42365708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. KISSELBURG.

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- DEF. 81: JACOB TIMLIN, W/M, 9/18/72 OF 27111 PARK CT. MADISON HGTS., MI. ISS ORD U41094108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. COBB-SANDERS.
- DEF. 82: ADAM CORNELIUS, W/M/25, 10/24/82, OF 3720 WINCHELL AVE. APT. P305, KALAMAZOO, MI. ISS ORD U42365608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO G. JOHNSON.
- DEF. 83: JAMES GROSS, W/M, 2/23/87, OF 47729 FALCON DR. SHELBY TWP., MI. ISS ORD U41092708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. COBB-SANDERS.
- DEF. 84: ZACHARY VARELA, W/M/20, 4/21/88 OF 19342 BRANDYWINE RIVERVIEW, MI. ISS ORD U42365408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JACKSON.
- DEF. 85: STEPHEN PAUL WEBSTER, W/M/25, 3/3/83 OF 4409 W. ISABELLA, SHEPHEARD, MI. ISS ORD U42365508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. SINGLETON.
- DEF. 86: JASON ANTHONY LEVERETTE-SAUNDERS, W/M, 6/11/83 OF 16232 NORMANDY ST. DETROIT, MI. ISS ORD U41092808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO T. GRAY.
- DEF. 87: JAMES WILLIAM CZECH, W/M/25, 4/16/83 OF 20304 HOLLYWOOD, HARPER WOODS, MI. ISS ORD U42365108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. KISSELBURG.
- DEF. 88: DANIEL BRANCHEAU, W/M/24, 1/30/84, OF 9615 BLAXY ST. TAYLOR, MI. ISS ORD U42365308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. SINGLETON.
- DEF. 89: JOSHUA ADAMS, W/M/27, 5/20/81 OF 337 FORD AVE. WYANDOTT, MI. ISS ORD U42365208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. PENN.
- DEF. 90: PATRICK DEWAN, W/M/19, 8/4/88 OF 8440 YALE, OAK PARK, MI. ISS ORD U42342008 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO G. JOHNSON.
- DEF. 91: DOKA JUNCAJ, W/M, 6/25/90, OF 16972 COMPANIA, MACOMB TWP., MI. ISS ORD U42341908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. SINGLETON.
- DEF. 92: MOLLY ANN BLAKLWSKI, W/F/17, 1/25/91 OF 580 BOLINGER, ROCHESTER HILLS, MI. ISS ORD U42341708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. PENN.
- DEF. 93: ASHLEY JOSEPHINE CARNAGHI, W/F/23, 6/22/84 OF 19374 CUMBERLAND WAY, DETROIT, MI. ISS ORD U42341608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. KISSELBURY.
- DEF. 94: MARTHA WOJTASZCK, W/F/20, 8/23/87 OF 1324 KEYWEST, TROY, MI. ISS ORD U42341408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JACKSON.
- DEF. 95: THOMAS MAHLER, W/M, 9/2/87 OF 741 W. LEWISTON AVE., FERNDALE, MI. ISS ORD U42364008 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO B. COLE.
- DEF. 96: IAN MOBLEY, W/M, 11/6/87 OF 18157 MULBERRY ST. RIVERVIEW, MI. ISS ORD U42367608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. A. POTTS.
- DEF. 97: JASON WYSOCKI, W/M, 8/24/87 OF 21669 OVERLAND CT. MACOMB TWP., MI. ISS ORD U42363808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. G. MCWHORTER.
- DEF. 98: STEPHEN MICHAEL BROWN, B/M/22, 1/13/86 OF 24240 ITHACA ST. OAK PARK, MI. ISS ORD U42361108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.
- DEF. 99: MICHAEL THOMAS ROZMAN, W/M, 10/30/71 OF 1837 BEECHMONT ST. KEEGO HARBOR, MI. ISS ORD U42343908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. DANIEL BUGLO.
- DEF. 100: THOMAS ANTHONY COLE, W/M/20, 2/22/88 OF 20917 IVY CIRCLE, MACOMB TWP., MI. ISS ORD U42360808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. TURNER.
- DEF. 101: DAMIEN RYAN MAYO, B/M/24, 2/5/84 OF 5644 MARTELL DR. TROY, MI. ISS ORD U42360908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.
- DEF. 102: BRUCE RUSSELL NICHOLS, JR., W/M/22, 10/30/85 OF 30 N. EDGEWOOD DR. GROSSE POINTE, MI. ISS ORD U42360308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.
- DEF. 103: SCOTT THOMAS HUGHES, W/M/23, 10/23/84 OF 21450 HCI JACKSON, GROSSE ILL., MI. ISS ORD U42360208

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FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. C. TURNER.

DEF. 104: AMADA B. SANDRIK, W/F/19, 12/25/88 OF 12908 GRANDE POPLAR CR., PLAINFIELD, IL. ISS ORD U42340508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. C. TURNER.

DEF. 105: JOEL DANIEL AXNER, W/M/26, 3/16/82 OF 1808 MEADOW WOOD, YPSILANTI, MI. ISS ORD U42340608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 106: MARK JULIUS KISELIVOAS, W/M/24, 3/22/84 OF 50 W. BERNHARD AVE. HAZEL PARK, MI. ISS ORD U42360108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON

DEF. 107: STEFANIE MARIE BOCKENSTELT, W/F/20, 8/7/87 OF 23225 LAKEWOOD ST. CLINTON TWP., MI. ISS ORD U42340108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. C. TURNER.

DEF. 108: ANGELA SEXTON, W/F, 7/24/87 OF 1348 FIELDING, FERNDALE, MI. ISS ORD U42341508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO G. JOHNSON.

DEF. 109: JENNIFER ANN MOORE, W/F/19, 5/31/89 OF 37201 WILLOW LN, CLINTON TWP., MI. ISS ORD U42341008 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 110: DERRICK WALKER, W/M, 9/18/85 OF 321 E. 11 MILE RD. 205, ROYAL OAK, MI. ISS ORD U42367408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. LAW.

DEF. 111: MICHAEL STEVEN DICLAUDIO, W/M, 9/14/87 OF 8610 FERRY RD. GROSSE ILE, MI. ISS ORD U42367808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. LAW.

DEF. 112: DALTON TOSOLT, W/M, 8/2/89 OF 321 E. 11 MILE RD. ROYAL OAK, MI. ISS ORD U42367908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. COBB-SANDERS.

DEF. 113: BRETT ADAM DONLON, W/M, 10/18/88 OF 1459 17TH, WYANDOTTE, MI. ISS ORD U42368008 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. NEWTON.

DEF. 114: MICHAEL THOMAS, W/M, 4/21/86 OF 22047 DAND, EASTPOINTE, MI. ISS ORD U42367308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. COBB-SANDERS.

DEF. 115: BRITTANY ANN VERCAK, W/F/18, 4/23/90, OF 11358 BRYDEN, TAYLOR, MI. ISS ORD U42340908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. PASSMORE.

DEF. 116: RYAN KEITH SAVOIE, W/M, 10/28/83 OF 3052 SUNRISE DR. CROWN POINT, IN. ISS ORD U42340808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. C. TURNER.

DEF. 117: ANGIE WONG, W/F/22, 2/2/86, OF 20307 SUNNYSIDE ST. ST. CLAIR SHORES, MI. ISS ORD U42345908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. C. TURNER.

DEF. 118: CHAD MICHAEL MEDINA, W/M/23, 9/28/84, OF 23524 PINEWOOD, TAYLOR, MI. ISS ORD U42340708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 119: MICHAEL ANTHONY MAZZOLE, W/M, 5/24/87 OF 143 S. HIGHLAND, MT. CLEMENS, MI. ISS ORD U42363408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. LAWS.

DEF. 120: ERIK SCOTT-PEARSON JOHNSON, W/M/18 OF 158 MAPLEFIELD RD. PLEASANT RIDGE, MI. ISS ORD U41093408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. WHEELER.

DEF. 121: MICHAEL BENNETT FELLSMAN, W/M/20, 9/8/87 OF 37635 CHARTER OAKS BLVD. CLINTON TWP., MI. ISS ORD U42360608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. C. TURNER.

DEF. 122: MARK JEROME KAISER, W/M, 1/18/61 OF 31315 CARION DR., WARREN, MI. ISS ORD U42360508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 123: PAUL MATTHEW KAISER, W/M/37, 6/22/70 OF 676 WINDSONG DR., ROCHESTER HILLS, MI. ISS ORD U42360408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 124: CHRISTOPHER ROBERT FIGLIOULI, W/M/20, 5/21/88 OF 21067 WOODLAND, MACOMB TWP., MI. ISS ORD U42360708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. PASSMORE.

DEF. 125: DEVON DERMOTT-PAUL MITCHELL, JR., B/M/24, 3/3/84 OF 5190 BRONCO DR. CLARKSTON, MI. ISS ORD U41093808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO C. COLEMAN.

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DEF. 126: ROBERT JOHN ROBINETTE, W/M/25, 3/4/83 OF 3/4/83 OF 2535 ROMENCE RD. PORTAGE, MI. ISS ORD U41093608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. J. PRITCHETT.

DEF. 127: ROBERT EMMETT MCLEOD III, W/M/25, 1/14/83, OF 607 FARMDALE, RD., FERNDALE, MI. ISS ORD U41093708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. J. PRITCHETT.

DEF. 128: JAKE ANDREW GROSS, W/M/21, 10/26/86 OF 8863 CARRIAGE HILL DR., SHELBY TWP., MI. ISS ORD U41093508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. WHEELER.

DEF. 129: CHRISTOPHER ANDY KRSTESKI, W/M/27, OF 38688 BYRIVER ST. CLINTON TWP., MI. ISS ORD U42343808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. CARTER.

DEF. 130: JOEL ALEXANDER BERNIER, W/M/29, 2/13/79 OF 39063 EARLY DRIVE, STERLING HGTS., MI. ISS ORD U41093308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. HOLYFIELD.

DEF. 131: GARRETT PATRICK VERNON, W/M/18, 6/28/69 OF 12350 LENNRY AVE. SHELBY TWP., MI. ISS ORD U41093208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO C. COLEMAN.

DEF. 132: KATY LEE SMOTHERMAN, W/F/21, 2/16/87 OF 932 E. 11 MILE RD., ROYAL OAK, MI. ISS ORD U41093108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. CARTER.

DEF. 133: LACEY ANNE POMAVILLE, W/F/18, 1/19/90 OF 17089 WHITE PLAINS DRIVE, MACOMB TWP., MI. ISS ORD U42369008 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. J. PRITCHETT.

DEF. 134: ANTHONY EDWARD PEDALINO, W/M, 1/29/85 OF 932 DEWEY, ANN ARBOR, MI. ISS ORD U41092608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. BROWN.

LT. VICKI YOST, BADGE L-112 AND SERGEANT DANIEL BUGLO, BADGE S-444, BOTH ASSIGNED TO VICE ENFORCEMENT, ENTERED THE LOCATION IN AN UNDERCOVER CAPACITY TO CONFIRM ILLEGAL ACTIVITY. WRITER AND PARTNER WERE CHARGED A \$5.00 COVER CHARGE AND A \$3.00 MEMBERSHIP FEE. WRITER OBSERVED SEVERAL PATRONS WITH ALCOHOL. WRITER AND PARTNER PURCHASED BEER FROM THE BAR AT \$4.00 A CUP. AT APPROX. 2:10AM, PATRONS WERE STILL BEING ALLOWED INTO THE LOCATION AND THE BAR WAS STILL OPEN. LT. YOST NOTIFIED THE RAID CREW AND SAME EXECUTED THE ANTICIPATORY SEARCH WARRANT. WRITER WAS THE AFFIANT ON THE SEARCH WARRANT.

NOTE: A PINK PURSE BELONGING TO CAITLIN D. BRUCE-CAMPO, W/F OF 39500 CHART ST., HARRISON TWP. PHONE 586-792-7416, CONTAINING NO VALUABLES, WAS RELEASED TO JACOB TIMLIN, PH. 586-931-5042 PER HER (CAITLIN.) LT. YOST SPOKE TO MS. BRUCE-CAMPO.

Offense Detail: 5393 - DISORDERLY CONDUCT (OTHER)

Offense Description	5393 - DISORDERLY CONDUCT (OTHER)	Location	05 - COMMERCIAL/OFFICE BUILDING
IBR Code	90C - DISORDERLY CONDUCT	Offense Completed?	NO
IBR Group	B	Hate/Bias	00 - NONE (NO BIAS)
Crime Against	SO	Domestic Violence	NO
Offense File Class	53001 - DISORDERLY CONDUCT	No. Prem. Entered	
- PACG		Entry Method	
Local Code		Type Security	
		Tools Used	
Using			
Criminal Activity			
Weapons			

EXHIBIT 12

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<p>UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION IAN MOBLEY, KIMBERLY MOBLEY, PAUL KAISER, ANGIE WONG, JAMES WASHINGTON, NATHANIEL PRICE, JEROME PRICE, STEPHANIE HOLLANDER, JASON LEVERETTE-SAUNDERS, WANDA LEVERETTE, DARLENE HELLENBERG, THOMAS MAHLER and LAURA MAHLER, Plaintiffs, Civil Action -vs- No. 10-10675 CITY OF DETROIT, VICKI YOST, and DANIEL BUGLO, Defendants.</p> <p>The Deposition of STEPHANIE RENEE HOLLANDER, taken before me, Darlene K. May, CSR-6479, a Notary Public, within and for the County of Oakland, (Acting in Wayne), State of Michigan, at 1394 E. Jefferson, Detroit, Michigan, on Monday November 22, 2010.</p> <p>APPEARANCES: GOODMAN & HURWITZ, P.C. BY: KATHRYN BRUNER JAMES, ESQ. 1394 W. Jefferson Avenue Detroit, Michigan 482707 (313) 567-6170 Appearing on behalf of Plaintiff,</p> <p>RELIANCE COURT REPORTING (313) 964-3611</p>	<p>1 INDEX</p> <p>2</p> <p>3 WITNESSES: PAGE</p> <p>4 STEPHANIE HOLLANDER</p> <p>5 Examination by Mr. Ashford 5</p> <p>6</p> <p>7</p> <p>8</p> <p>9 EXHIBIT: DESCRIPTION MARKED</p> <p>10 (None marked.)</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 APPEARANCES (Continued):</p> <p>2 CITY OF DETROIT - LAW DEPARTMENT</p> <p>3 BY: JERRY L. ASHFORD, ESQ.</p> <p>4 660 Woodward Avenue</p> <p>5 1650 First National Building</p> <p>6 Detroit, Michigan 48226</p> <p>7 (313) 237-3089</p> <p>8</p> <p>9 Appearing on behalf of Defendant,</p> <p>10</p> <p>11 AMERICAN CIVIL LIBERTIES UNION OF MICHIGAN</p> <p>12 BY: DANIEL S. KOROBKIN, ESQ.</p> <p>13 2966 Woodward Avenue</p> <p>14 Detroit, Michigan 48201</p> <p>15 (313) 578-6824</p> <p>16</p> <p>17 Appearing on behalf of ACLU of Michigan.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 Detroit, Michigan</p> <p>2 Monday, November 22, 2010</p> <p>3 2:15 p.m.</p> <p>4 - - -</p> <p>5 STEPHANIE RENEE HOLLANDER</p>
	<p>6 was thereupon called as a witness herein, and after</p> <p>7 having been first duly sworn to tell the truth, the</p> <p>8 whole truth and nothing but the truth, was examined and</p> <p>9 testified as follows:</p> <p>10 - - -</p> <p>11 MR. ASHFORD: Let the record reflect</p> <p>12 that this is the deposition of Stephanie Hollander taken</p> <p>13 pursuant to the Federal Rules of Civil Procedure with</p> <p>14 Notice to all parties. To be used for any and all</p> <p>15 purposes allowed under the Rules of Civil Procedure.</p> <p>16 Good afternoon, Ms. Hollander.</p> <p>17 THE WITNESS: Good afternoon.</p> <p>18 MR. ASHFORD: My name is Jerry Ashford</p> <p>19 and I represent the City of Detroit and the police</p> <p>20 officers in this case. Have you ever given any type of</p> <p>21 testimony in court?</p> <p>22 THE WITNESS: No.</p> <p>23 MR. ASHFORD: But you've seen, like,</p> <p>24 court proceedings on television. We have a court</p> <p>25 reporter that is to my left and to your right and she's</p>

1 (Pages 1 to 4)

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<p>1 taking down everything you say. So I need To you give me</p> <p>2 verbal answers to my questions.</p> <p>3 THE WITNESS: Okay.</p> <p>4 MR. ASHFORD: Okay. Try not to give me</p> <p>5 like head nodding or um-hmm or un-unh. Those kinds of</p> <p>6 things. Okay.</p> <p>7 THE WITNESS: Okay.</p> <p>8 MR. ASHFORD: If I ask you a question</p> <p>9 and you don't understand, please let me know that and</p> <p>10 I'll try to rephrase the question so hopefully you do</p> <p>11 understand.</p> <p>12 THE WITNESS: Okay.</p> <p>13</p> <p>14 EXAMINATION</p> <p>15 BY MR. ASHFORD:</p> <p>16 Q. Will you please state your full name for the record.</p> <p>17 A. Stephanie Renee Hollander.</p> <p>18 Q. What is your middle name?</p> <p>19 A. Renee.</p> <p>20 Q. And how old are you?</p> <p>21 A. 23.</p> <p>22 Q. What's your date of birth?</p> <p>23 A. November 6th, 1987.</p> <p>24 Q. And what is your Social Security number?</p> <p>25 A. 367-04-9118.</p>	<p>1 A. For a job.</p> <p>2 Q. What's your current job?</p> <p>3 A. I'm an assistant athletic trainer.</p> <p>4 Q. And who is your employer?</p> <p>5 A. Loyola University, Maryland.</p> <p>6 Q. And what are your job duties?</p> <p>7 A. I take care of the athletes. I do their sports medicine</p> <p>8 care.</p> <p>9 Q. And you just started working there in July?</p> <p>10 A. August 1st was my start date.</p> <p>11 Q. What high school did you attend?</p> <p>12 A. Southfield Lathrup.</p> <p>13 Q. What year did you graduate?</p> <p>14 A. 2005.</p> <p>15 Q. And did you attend college?</p> <p>16 A. Yes.</p> <p>17 Q. Where?</p> <p>18 A. Western Michigan.</p> <p>19 Q. And do you have a bachelor's degree?</p> <p>20 A. Yes.</p> <p>21 Q. In what?</p> <p>22 A. Bachelor of science, 2009, in athletic training.</p> <p>23 Q. Where did you work prior to Loyola?</p> <p>24 A. I worked at the Southfield Sports Arena as a life guard.</p> <p>25 Q. How long did you work there?</p>
Page 6	Page 8
<p>1 Q. Do you have a Michigan operator's license?</p> <p>2 A. Yes.</p> <p>3 Q. Do you have it with you today?</p> <p>4 A. Um-hmm. Yes.</p> <p>5 Q. May I see it, please?</p> <p>6 MR. ASHFORD: Let the record reflect</p> <p>7 that Ms. Hollander has handed me a Michigan operator</p> <p>8 license, H 453 777 734 853 in the name of Stephanie Renee</p> <p>9 Hollander, 7269 Creeks Bend Court, West Bloomfield,</p> <p>10 Michigan 48322 hyphen 3528. Her operator's license</p> <p>11 expires November 26th, 2012. Date of birth of November</p> <p>12 6th, 1987.</p> <p>13 MR. ASHFORD: Off the record.</p> <p>14 (Discussion off the record.)</p> <p>15 MR. ASHFORD: Back on the record.</p> <p>16 BY MR. ASHFORD (Continued):</p> <p>17 Q. Do you still live at the same address that's listed on</p> <p>18 your operator's license?</p> <p>19 A. I'm temporarily living in Baltimore.</p> <p>20 Q. When are you moving to Baltimore?</p> <p>21 A. I already moved. I moved July 31st of this year.</p> <p>22 Q. What is your address in Baltimore?</p> <p>23 A. 5221 Downing road. That's in Baltimore, Maryland. It's</p> <p>24 21212.</p> <p>25 Q. And why did you move?</p>	<p>1 A. Every summer for eight years.</p> <p>2 Q. You graduated in May of 2009?</p> <p>3 A. December.</p> <p>4 Q. December 2009?</p> <p>5 A. Yes.</p> <p>6 Q. Did you work from December to May, December 2009 to May</p> <p>7 2010?</p> <p>8 A. No. I started working the sports arena June or end of</p> <p>9 May. So I just --</p> <p>10 Q. Did you work in the interim period between graduating</p> <p>11 from college and your summer job?</p> <p>12 A. No. Just babysat, pretty much.</p> <p>13 Q. And you landed in your field?</p> <p>14 A. Yes.</p> <p>15 Q. Congratulations.</p> <p>16 A. Thank you.</p> <p>17 Q. Let me ask you one other question. You have a bachelor's</p> <p>18 degree in athletic training?</p> <p>19 A. Yes.</p> <p>20 Q. Do you have any other degrees?</p> <p>21 A. No.</p> <p>22 Q. Any other certifications?</p> <p>23 A. Aside from First Aid, CPR.</p> <p>24 Q. Is that from the Red Cross?</p> <p>25 A. Yes.</p>

2 (Pages 5 to 8)

<p style="text-align: right;">Page 9</p> <p>1 Q. Don't be offended. I ask everybody these questions, but 2 have you ever been arrested before? 3 MS. JAMES: Objection as to relevance. 4 But go ahead. 5 A. No. 6 BY MR. ASHFORD (Continued): 7 Q. So you've never been convicted of any type of crime? 8 A. No. 9 Q. Have you ever been treated for substance abuse? 10 MS. JAMES: Objection as to relevance. 11 A. No. 12 BY MR. ASHFORD (Continued): 13 Q. Have you ever been treated for any type of psychiatric 14 condition? 15 MS. JAMES: Objection as to relevance. 16 A. No. 17 BY MR. ASHFORD (Continued): 18 Q. Have you ever been a member of the Contemporary Art 19 Institute of Detroit? 20 A. Yes. 21 Q. When did you first become a member of the Contemporary 22 Art Institute of Detroit? 23 A. It was around March of 2008. 24 Q. And what was the process to become a member? 25 A. Fill out a form and pay a fee.</p>	<p style="text-align: right;">Page 11</p> <p>1 A. No. 2 MS. JAMES: Objection as to foundation. 3 Sorry to interrupt. 4 BY MR. ASHFORD (Continued): 5 Q. During the previous occasions that you were at the 6 Contemporary Art Institute of Detroit, were you given a 7 wrist band? 8 A. No. 9 Q. Do you know why? 10 A. I was under 21. 11 Q. If you were under 21, you were not given a wristband? 12 A. No. 13 Q. And if you are 21 or older, you were given a wristband? 14 A. Yes. 15 Q. How do you know? 16 A. I saw people getting wristbands. 17 Q. How did you know they were over 21, the people who were 18 getting wristbands? 19 A. They had their IDs looked at. 20 Q. So when you were entering the Contemporary Art Institute 21 of Detroit or the CAID, you saw people at the door who 22 were volunteering or workers at the CAID, checking 23 identification? 24 A. Correct. 25 Q. Did they ever check your identification?</p>
<p style="text-align: right;">Page 10</p> <p>1 Q. How much did you pay? 2 A. I believe I bought a week for five dollars. 3 Q. What kind of benefits did you get for becoming a 4 member? 5 A. Just being able to enter their events. 6 Q. Where did you -- did you purchase the membership at an 7 event? 8 A. Yes. 9 Q. What event did you purchase it at? 10 A. Funk night. 11 Q. Can you tell me -- strike that. 12 Can you describe funk night for me? 13 A. They just played funk music and a lot of dancing. It's 14 pretty much all that went on. 15 Q. You were at the Contemporary Art Institute of Detroit on 16 May 31st, 2008? 17 A. Yes. 18 Q. Was that also a funk night? 19 A. Yes. 20 Q. From March of 2008 until May 30th of 2008, how many funk 21 nights had you attended? 22 A. Two. 23 Q. During the two previous times that you had been at funk 24 night, had you observed any type of drug use inside the 25 Contemporary Art Institute of Detroit?</p>	<p style="text-align: right;">Page 12</p> <p>1 A. Yes. 2 Q. During the two previous occasions that you were at the 3 CAID did you ever see a dance license posted or dance 4 permit posted by the City of Detroit? 5 MS. JAMES: Objection as to foundation. 6 A. No. 7 BY MR. ASHFORD (Continued): 8 Q. Did you ever see a State of Michigan liquor license 9 posted? 10 MS. JAMES: Objection as to foundation. 11 A. No. 12 BY MR. ASHFORD (Continued): 13 Q. Did you look for a City of Detroit dance permit or a 14 State of Michigan business permit? Business license, I'm 15 sorry? 16 A. No. 17 Q. Let me ask that question again. On the two previous 18 occasions that you were at the Contemporary Art Institute 19 of Detroit, did you ever look for a City of Detroit dance 20 permit or State of Michigan liquor license? 21 A. No. 22 Q. The first time you were at the CAID, how long were you 23 there, approximately? 24 A. Approximately, two to three hours. 25 Q. How about the second time?</p>

3 (Pages 9 to 12)

Page 13	Page 15
<p>1 A. I would say about the same.</p> <p>2 Q. Do you remember who you were with the first time?</p> <p>3 A. It's been a while. I don't remember.</p> <p>4 Q. Do you remember who you were with the second time?</p> <p>5 A. Yes.</p> <p>6 Q. Who were you with the second time?</p> <p>7 A. I remember two of the people, but there may have been</p> <p>8 more. One was Caroline Reinsch. The second one was</p> <p>9 James Abbott.</p> <p>10 Q. How do you spell Caroline last name?</p> <p>11 A. R-e-i-n-s-c-h. I believe it's James Abbott the Third,</p> <p>12 actually.</p> <p>13 Q. Was James older than you?</p> <p>14 A. No. They're both younger.</p> <p>15 Q. Were they with you on May 31st of 2008?</p> <p>16 A. No.</p> <p>17 Q. Who was with you on May 31st of 2008?</p> <p>18 A. Tabitha Taby.</p> <p>19 Q. Can you spell that for me?</p> <p>20 A. Tabitha, T-a-b-i-t-h-a. Taby T-a-b-y is her last name.</p> <p>21 Brian Edwards.</p> <p>22 Q. Okay.</p> <p>23 A. Ashley Moore. Yeah, that's it.</p> <p>24 Q. Were you guys all in the car together?</p> <p>25 A. I don't remember if Ashley came with us or not, but</p>	<p>1 Q. Before entering the Contemporary Art Institute of</p> <p>2 Detroit, had you drank any alcoholic beverages?</p> <p>3 MS. JAMES: Objection. Since this</p> <p>4 witness was under 21 at the time, I'm advising her to</p> <p>5 assert her Fifth Amendment right with a limited exception</p> <p>6 of while she was at the CAID on May 31st, 2008.</p> <p>7 MR. ASHFORD: I won't tell anybody.</p> <p>8 MS. JAMES: Well, that's generous of</p> <p>9 you.</p> <p>10 But again, because you were under 21 at</p> <p>11 that time, I would advise you not to answer the question</p> <p>12 that's on the table. However, if and when Mr. Ashford</p> <p>13 asks you any questions about consuming alcohol while you</p> <p>14 were inside the CAID on May 31st, 2008, then I would</p> <p>15 advise you to waive your Fifth Amendment right for that</p> <p>16 limited time period.</p> <p>17 A. I won't answer that question.</p> <p>18 BY MR. ASHFORD (Continued):</p> <p>19 Q. Okay. So on the advice of your counsel, you don't want</p> <p>20 to answer that question, correct?</p> <p>21 A. Correct.</p> <p>22 Q. Prior to entering the CAID on May 31st of 2008, had you</p> <p>23 ever visited the website for the CAID?</p> <p>24 A. No.</p> <p>25 Q. Why not?</p>
Page 14	Page 16
<p>1 Tabitha and Brian definitely were.</p> <p>2 Q. Who was the driver in the vehicle?</p> <p>3 A. Tabitha.</p> <p>4 Q. Where were you seated in the vehicle?</p> <p>5 A. Backseat.</p> <p>6 Q. And where was Brian?</p> <p>7 A. I believe, he was in the passenger.</p> <p>8 Q. On May 31st of 2008, what was the relationship with Brian</p> <p>9 Edwards?</p> <p>10 A. Just friends.</p> <p>11 Q. What was the relationship with Tabitha?</p> <p>12 A. Friends.</p> <p>13 Q. How long had you known Tabitha?</p> <p>14 A. Since either 9th or 10th grade.</p> <p>15 Q. And how long had you known Brian?</p> <p>16 A. Since 10th grade.</p> <p>17 Q. Do you know what the relationship was between Tabitha and</p> <p>18 Brian?</p> <p>19 A. Friends.</p> <p>20 Q. Where were you guys coming from?</p> <p>21 A. Home.</p> <p>22 Q. Whose home?</p> <p>23 A. Each of our homes, separately.</p> <p>24 Q. So the three of you had not been out before then?</p> <p>25 A. No.</p>	<p>1 A. Just hadn't.</p> <p>2 Q. How did you find out about the party?</p> <p>3 A. My friend James.</p> <p>4 Q. Since March of 2008, have you been on Facebook?</p> <p>5 A. I'm sorry?</p> <p>6 Q. Do you have a Facebook?</p> <p>7 A. Yes.</p> <p>8 Q. Have you ever written anything on your Facebook about the</p> <p>9 CAID?</p> <p>10 A. No.</p> <p>11 Q. Or the event of May 31st, 2008?</p> <p>12 A. No.</p> <p>13 Q. So what happened when you arrived at the CAID on May 31,</p> <p>14 2008?</p> <p>15 A. I went to the door. Had our IDs checked. I got a stamp</p> <p>16 on my hand. The ones that were 21 got wristbands.</p> <p>17 Q. So you had your hand stamped?</p> <p>18 A. Yeah. I had my hand stamped.</p> <p>19 Q. Which hand?</p> <p>20 A. Right.</p> <p>21 Q. And what kind of stamp was it? What did the stamp say?</p> <p>22 A. It was blurry when they put it on so I don't know what it</p> <p>23 said. It smudged.</p> <p>24 Q. Then what happened?</p> <p>25 A. There was like a desk, table, right when you walk in and</p>

4 (Pages 13 to 16)

<p style="text-align: right;">Page 17</p> <p>1 you have to either buy a membership or renew it or if</p> <p>2 you're already a member just pay. So I had only had</p> <p>3 temporary memberships before so I just got another</p> <p>4 temporary membership.</p> <p>5 Q. So did you fill out a form?</p> <p>6 A. Yes.</p> <p>7 Q. Did you have to pay?</p> <p>8 A. Yes.</p> <p>9 Q. How much did you have to pay?</p> <p>10 A. Five dollars.</p> <p>11 Q. And then what happened?</p> <p>12 A. Just went inside and waited for my friends to get done</p> <p>13 with that process.</p> <p>14 Q. Do you know if the guests of the CAID had to -- or if the</p> <p>15 members could bring in their own alcohol that night?</p> <p>16 A. I know that they're not allowed to.</p> <p>17 Q. You're not allowed to?</p> <p>18 A. They look in your purse to see if there's bottles.</p> <p>19 Q. So when you entered the CAID, did they tell you you</p> <p>20 cannot bring in your own liquor or alcoholic beverages?</p> <p>21 A. They didn't tell me that.</p> <p>22 Q. But you said you know that. How do you know that?</p> <p>23 Besides them looking in your purse?</p> <p>24 A. I've seen previously people having bottles where they</p> <p>25 say, oh, no, you can't have that.</p>	<p style="text-align: right;">Page 19</p> <p>1 A. Eight and a half by eleven.</p> <p>2 Q. So after you paid your fee, your hand was stamped, you</p> <p>3 filled out the membership renewal and you walked in.</p> <p>4 Where did you go?</p> <p>5 A. I stood in the area, the front area between the bathroom</p> <p>6 and the bar.</p> <p>7 Q. There was a bar?</p> <p>8 A. Yes.</p> <p>9 Q. This in, like, the front room?</p> <p>10 A. Yes.</p> <p>11 Q. And there's a back room where the DJ is?</p> <p>12 A. Yes.</p> <p>13 Q. Is there any other rooms?</p> <p>14 A. There's an upstairs. And there's a bathroom.</p> <p>15 Q. So on the bottom floor, there's a bathroom?</p> <p>16 A. Right.</p> <p>17 Q. There's the back room where the DJ is and there was a</p> <p>18 front where you enter?</p> <p>19 A. Yes.</p> <p>20 Q. Have you ever been in the bathroom?</p> <p>21 A. Yes.</p> <p>22 Q. Have you seen any type of drug paraphernalia on the</p> <p>23 bathroom floor?</p> <p>24 A. No.</p> <p>25 Q. At the bar, did you see any of the guests or members</p>
<p style="text-align: right;">Page 18</p> <p>1 Q. On the two prior occasions that you were there?</p> <p>2 A. Right. They looking in the purse and saying.</p> <p>3 Q. Did you see them looking into purses on May 31st of</p> <p>4 2008?</p> <p>5 A. Yes.</p> <p>6 Q. Did you see them turning away anyone?</p> <p>7 A. No.</p> <p>8 Q. When you came in?</p> <p>9 A. No.</p> <p>10 Q. What time did you arrive?</p> <p>11 A. Around 1:00 a.m.</p> <p>12 Q. And you were 20 years old at the time?</p> <p>13 A. Yes.</p> <p>14 Q. Can you describe this membership application form that</p> <p>15 you filed out? How thick was it? What was on it? What</p> <p>16 kind of information did it ask?</p> <p>17 A. It asked for your address, name, birthday and then it</p> <p>18 had -- you could check what kind of membership you</p> <p>19 wanted, the length of it. And then it had an agreement,</p> <p>20 which I didn't read but I'm not sure what it said and you</p> <p>21 have to sign and date it.</p> <p>22 Q. You didn't read it?</p> <p>23 A. No.</p> <p>24 Q. Okay. So was it like just an eight by eleven sheet of</p> <p>25 paper or half a sheet?</p>	<p style="text-align: right;">Page 20</p> <p>1 being served alcohol?</p> <p>2 A. Yes.</p> <p>3 Q. Did you see an exchange of money for alcohol?</p> <p>4 A. No. I wasn't paying close attention.</p> <p>5 Q. When you were in the CAID on May 31st of 2008, did you</p> <p>6 see a State of Michigan liquor license posted?</p> <p>7 MS. JAMES: Objection as to foundation.</p> <p>8 A. No.</p> <p>9 BY MR. ASHFORD (Continued):</p> <p>10 Q. Did you see a City of Detroit dance permit?</p> <p>11 MS. JAMES: Objection as to foundation.</p> <p>12 A. No.</p> <p>13 BY MR. ASHFORD (Continued):</p> <p>14 Q. Did you see a City of Detroit business license?</p> <p>15 MS. JAMES: Objection as to foundation.</p> <p>16 A. No.</p> <p>17 BY MR. ASHFORD (Continued):</p> <p>18 Q. Did you look for a City of Detroit business license?</p> <p>19 A. No.</p> <p>20 Q. Did you look for a City of Detroit dance license?</p> <p>21 A. No.</p> <p>22 Q. Did you look for a State of Michigan liquor license?</p> <p>23 A. No.</p> <p>24 Q. How long did you stay in the area around the bar?</p> <p>25 A. Just for a few -- maybe two, three minutes. Just waiting</p>

5 (Pages 17 to 20)

Page 21

1 for my friends to come in.
2 Q. So you were the first person in?
3 A. Yeah.
4 Q. Where were they?
5 A. Just at the door either having their IDs checked or
6 filling out the forms.
7 Q. So you were just slightly in front of them?
8 A. Oh, yeah.
9 Q. Did you see any food being served at the bar?
10 A. No.
11 Q. Or in the bar area?
12 A. No.
13 Q. Did you see any food being served at all in the CAID on
14 May 31st of 2008?
15 A. No.
16 Q. Did you see any of the guests or members walking around
17 with alcoholic beverages?
18 A. Yes.
19 Q. Were they beverages in cups, glasses, bottles?
20 A. I don't remember.
21 Q. So when your friends came into the CAID and you're all
22 together, then what happened?
23 A. We went to the dance floor.
24 Q. And that would've been in the back room?
25 A. The back room.

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1 Q. Can you describe the lighting inside the CAID for me?
2 A. The front room is decently bright, but the back room
3 where the dance floor is, it's pretty dark, I'd say.
4 There's some lights but it's pretty dark.
5 Q. What kind of lighting is in the back room where the DJ
6 is? Is it like a strobe light or spotlight?
7 A. I don't remember.
8 Q. Can you see the person next to you?
9 A. Yes.
10 Q. Could you see across the room?
11 A. Yes.
12 Q. Was it just reflections of people dancing?
13 A. You could see pretty clearly. It was just dark.
14 Q. Could you see the DJ?
15 A. Yes.
16 Q. So how long did you stay in that room?
17 A. About 15 minutes, I'd say.
18 Q. Okay. Then what happened?
19 A. We went outside to the backyard patio area.
20 Q. And is that where you were when the Detroit police
21 officers came into the CAID?
22 A. Yes.
23 Q. What did you do once you got to the patio area?
24 A. We sat down on what looks like was used for a bar at one
25 time. And then we just -- we're talking and singing and

Page 23

1 just having fun.
2 Q. Okay. So were you still with Brian and Tabitha?
3 A. Yes.
4 Q. Had Brian or Tabitha had anything to drink?
5 A. No.
6 Q. Any alcoholic beverages?
7 A. No.
8 Q. Did you guys have anything to drink at all; water, pop or
9 anything?
10 A. No.
11 Q. Do you know if Ashley had anything to drink while she was
12 there?
13 A. I don't remember or recall.
14 Q. Did she join you at the CAID?
15 A. I can't remember if she rode with us that night or if she
16 met us there.
17 Q. But she did come?
18 A. Oh, yeah, she did.
19 Q. So by the time you were in the courtyard was she there
20 with you?
21 A. Yes.
22 Q. So at some point the Detroit police officers came into
23 the place?
24 A. Right.
25 Q. So can you describe that for me what happened?

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1 A. We were just singing songs and all of a sudden the door
2 from the inside just slams open.
3 Q. From inside --
4 A. From inside the CAID to the patio. It just slams open.
5 And people are yelling and telling us to
6 get on the ground.
7 Q. How close were you to the door?
8 A. I would say a good 15 yards.
9 Q. Approximately, 15 yards?
10 A. It's hard to recall, though. It's been a while.
11 Q. Were there a lot of people between you and the door?
12 A. No.
13 Q. No?
14 A. Not really.
15 Q. So were you like -- of the people that were in the
16 courtyard, were you one of the people that were closest
17 to the door?
18 A. There were people kind of on the sides but not really
19 directly in front of me. There were a lot of people just
20 kind of next to me and behind me, though. I was facing
21 the door.
22 Q. So then what happens?
23 A. They were yelling and swearing at us, telling to us get
24 on the ground. So it took us a while to register what
25 was going on. We were like, "What's happening?"

6 (Pages 21 to 24)

Page 25	Page 27
<p>1 So then we eventually all had to get on</p> <p>2 the ground with our hands on our head. We had to lay</p> <p>3 there for a while.</p> <p>4 Q. Approximately how long?</p> <p>5 A. About 15 to 30 minutes.</p> <p>6 Q. Then what happened?</p> <p>7 A. Eventually they had the females stand up with their hands</p> <p>8 on their heads still. And then we lined up against the</p> <p>9 outside wall of the CAID, just the females.</p> <p>10 Q. So you were brought inside the building?</p> <p>11 A. We were still outside.</p> <p>12 Q. So you were outside lined up along the wall?</p> <p>13 A. Right.</p> <p>14 Q. Then what happened?</p> <p>15 A. They let us file in, inside. They took us straight to</p> <p>16 the dance floor and we had to lineup against that wall.</p> <p>17 Q. Where were the guys at this time?</p> <p>18 A. The ones outside were still on the ground.</p> <p>19 Q. And there were guys also lined up inside?</p> <p>20 A. Yes.</p> <p>21 Q. Where were they?</p> <p>22 A. There was some guys inside.</p> <p>23 Q. Where were they?</p> <p>24 A. There was some on the dance floor. Same as us, hands on</p> <p>25 our head, lined up.</p>	<p>1 get slammed against the wall. Kind of forcefully.</p> <p>2 Q. Do you know if the bouncer followed the instructions of</p> <p>3 the Detroit police officers before that action occurred?</p> <p>4 A. I'm not sure.</p> <p>5 Q. Do you know if the two males who you saw kicked in the</p> <p>6 back, do you know if they followed the instructions of</p> <p>7 the Detroit police officers before this action was taken?</p> <p>8 A. They were following directions. They were just asking</p> <p>9 questions.</p> <p>10 Q. What kind of questions were they asking?</p> <p>11 A. Well, the white male kind of started to get up a little</p> <p>12 bit, just lifting himself a little bit and said, "My</p> <p>13 father is an attorney. I just wanted to ask you</p> <p>14 something."</p> <p>15 Q. How about the black male, do you recall what he said?</p> <p>16 A. I don't remember what he said.</p> <p>17 Q. Any other violent acts that you saw inside the CAID?</p> <p>18 A. I don't remember.</p> <p>19 Q. Did you see any physical resistance from those who were</p> <p>20 inside the CAID directed towards the Detroit police</p> <p>21 officers?</p> <p>22 A. No.</p> <p>23 Q. So you were lined up in this room. And then what</p> <p>24 happened?</p> <p>25 A. Then we -- they let us walk into the front area where we</p>
Page 26	Page 28
<p>1 Q. Did you see any violent acts from the Detroit police</p> <p>2 officers while you were inside the CAID?</p> <p>3 A. Yes.</p> <p>4 Q. What did you see?</p> <p>5 A. While we were outside still laying down, I saw a male get</p> <p>6 kicked in his back. Actually, I saw two males get kicked</p> <p>7 in their back.</p> <p>8 Q. Can you describe these males for me?</p> <p>9 A. One was a black male in his 20s, I'd say. The other one</p> <p>10 was a white male in his 20s.</p> <p>11 Q. Do you know the name of the black male?</p> <p>12 A. No.</p> <p>13 Q. Do you know the name of the white male?</p> <p>14 A. No.</p> <p>15 Q. Since May 31st of 2008, have you seen this black male?</p> <p>16 A. No.</p> <p>17 Q. Since May 31st of 2008, have you seen this white male?</p> <p>18 A. No.</p> <p>19 Q. So you've never had any type of contact at all with this</p> <p>20 black male or white male?</p> <p>21 A. No.</p> <p>22 Q. Did you observe any other type of violent acts by Detroit</p> <p>23 police officers directed towards the guests or members or</p> <p>24 staff of the CAID?</p> <p>25 A. You could see the bouncer, the one who checked our IDs,</p>	<p>1 had stood for -- we stood for maybe a minute or two and</p> <p>2 then we were able to sit down with our heads on our heads</p> <p>3 still. Then called up one by one and searched, patted</p> <p>4 down.</p> <p>5 Q. Then what happened?</p> <p>6 A. Then our belongings were bagged. Then we were able to</p> <p>7 sit -- after our belongings were bagged, we were able to</p> <p>8 sit back down with our hands on our head.</p> <p>9 Q. Then what happened?</p> <p>10 A. One by one they took the bags and looked for the ID. So</p> <p>11 they were able to call one by one using our IDs and we</p> <p>12 were issued the tickets.</p> <p>13 Q. Did you see any weapons in the CAID that night?</p> <p>14 A. Aside from the ones with the police?</p> <p>15 Q. Yes.</p> <p>16 A. No.</p> <p>17 Q. So as far as you know they didn't take -- you didn't see</p> <p>18 any weapons inside the bags?</p> <p>19 A. No.</p> <p>20 Q. Did you see any knives inside the bags?</p> <p>21 A. No.</p> <p>22 Q. So when they called you up one by one with your IDs, then</p> <p>23 what happened?</p> <p>24 A. They gave us a ticket. They wrote down the ticket and</p> <p>25 asked if we drove, personally. If we were the ones that</p>

7 (Pages 25 to 28)

<p style="text-align: right;">Page 29</p> <p>1 drove and I said no. And they asked me who I rode with 2 and I had to tell them Tabitha Taby. Then I was able to 3 leave. 4 Q. Okay. Then tell me what happened. 5 A. I walked outside and they made us get off the property, 6 which we were able to stand just off the property and I 7 just waited for my friends to come out. 8 Q. Then what happened? 9 A. Eventually all of us were out. And people were all 10 trying to call and get rides home. We had to get our 11 belongings out of Tabitha's car, which was going to be 12 towed. 13 Q. Where was her car parked? 14 A. In the parking lot. 15 Q. The CAID has a parking lot? 16 A. Yes. 17 Q. Where is that located in relation to the door that you 18 went into? 19 A. It's-- I'm not sure of the direction. But it's off of 20 Rosa Parks. You turn on Rosa Parks directly into the 21 parking lot and you walk straight into the door, the side 22 door. 23 Q. So were you able to get your belongings out of her car? 24 A. Yes. 25 Q. Then what happened?</p>	<p style="text-align: right;">Page 31</p> <p>1 parents was strained. I had to miss school to go to 2 court. Also -- well, the money it cost to have to drive 3 back and forth from Kalamazoo to go to court. I was -- I 4 had nightmares about it. It was embarrassing to tell 5 people. I was afraid that I was going to be charged as a 6 criminal. 7 That's all that I can think of for right 8 now. 9 Q. You've told me about your fear. What other type of 10 emotional distress, if any? 11 A. Embarrassment, strained relationships. 12 Q. Did you ever seek any type of counseling or psychiatric 13 help? 14 A. No. 15 Q. What strained relationships did you have? 16 A. My mom and dad. 17 Q. Why? 18 A. My dad was mad at the fact that this even happened. 19 Q. He was angry with you? 20 A. Yeah. Just to have someone to blame for -- you know, I 21 shouldn't have even gone out that night. 22 Q. What's the name of your parents? 23 A. My dad is Dale Hollander and my mom is Toby Burger (ph). 24 Q. Are they currently married? 25 A. No. Divorced.</p>
<p style="text-align: right;">Page 30</p> <p>1 A. My friend Ashley called her boyfriend at the time and he 2 came and picked us up. 3 Q. Not including the violent acts that we already discussed, 4 did you see any other or any -- strike that. 5 Besides the violent acts that we talked</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. Where does your mother live? 2 A. In West Bloomfield. 3 Q. The address on your operator's license, is that your 4 mother's address? 5 A. That's my mother's address.</p>
<p>6 about, did you see any police misconduct inside the CAID? 7 MS. JAMES: Objection as to foundation. 8 A. No. 9 BY MR. ASHFORD (Continued): 10 Q. So how did you get home? 11 A. Ashley's boyfriend at the time -- his name is Olumide -- 12 came to pick us up. 13 Q. And you did not have -- you did not drive a car that day, 14 right? 15 A. To CAID, no. 16 MR. ASHFORD: Off the record for a 17 moment. 18 (Momentarily off the record.) 19 MR. ASHFORD: Back on the record. 20 BY MR. ASHFORD (Continued): 21 Q. Stephanie, what damages or injuries did you suffer 22 personally as a result of the raid on the Contemporary 23 Art Institute of Detroit on May 31st of 2008? 24 A. I suffered a lot of emotional distress. I feared for my 25 life that night and my relationship with my -- both of my</p>	<p>6 Q. What's your dad's address? 7 A. It's 4160 Yorba, Y-o-r-b-a, Linda Boulevard. 8 Q. What city? 9 A. Royal Oak. 10 Q. How did your dad find out about it? 11 A. I came home and told him. 12 Q. So when you were dropped off, did you go to West 13 Bloomfield or Royal Oak? 14 A. Royal Oak. 15 Q. Why did you go to Royal Oak instead of West Bloomfield? 16 Were you living with your dad? 17 A. I split my time up between the two. So I was with my dad 18 at that point. 19 Q. Is the relationship still strained with your dad? 20 A. No. 21 Q. To what extent was your relationship strained with your 22 dad over this incident? 23 A. Can you rephrase that? 24 Q. I guess I want you to describe how your relationship was 25 strained with your dad and the duration of the strained</p>

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<p style="text-align: right;">Page 33</p> <p>1 relationship.</p> <p>2 A. I'd say it was for about a year. Mostly it had to do</p> <p>3 with me having to go back and forth from Kalamazoo to</p> <p>4 Detroit for court.</p> <p>5 Q. How many times did you do that?</p> <p>6 A. It was either three or four, I believe.</p> <p>7 Q. You went to court three or four times?</p> <p>8 A. Yes.</p> <p>9 Q. Did you have an attorney?</p> <p>10 A. Yes.</p> <p>11 Q. Who was your attorney?</p> <p>12 A. Steve Scharg.</p> <p>13 Q. How do you spell the last name?</p> <p>14 A. I think it's S-c-h-a-r-g.</p> <p>15 Q. So you were not represented by the ACLU?</p> <p>16 A. No.</p> <p>17 Q. How did you find Mr. Scharg?</p> <p>18 A. He's a friend of the family.</p> <p>19 Q. What was the end result of the criminal charge?</p> <p>20 A. They were dropped.</p> <p>21 Q. They were dismissed?</p> <p>22 A. Dismissed. Sorry.</p> <p>23 Q. Did you have to pay any costs at all?</p> <p>24 A. No.</p> <p>25 Q. Did you have a trial?</p>	<p style="text-align: right;">Page 35</p> <p>1 A. I didn't see that.</p> <p>2 Q. I'm going to show you what's been marked as Defendant's</p> <p>3 Exhibit Number 6. Do you see in Defendant's Exhibit</p> <p>4 Number 6 how the Detroit police officers were dressed on</p> <p>5 that night?</p> <p>6 A. Yes.</p> <p>7 Q. On Exhibit Number 6, the gentleman to your left has</p> <p>8 writing on his back. Would you agree with that?</p> <p>9 A. Yes.</p> <p>10 Q. That says Police; is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. Did you see that on that night?</p> <p>13 A. No.</p> <p>14 Q. And it would be fair when they came into the courtyard</p> <p>15 your head was down, correct?</p> <p>16 A. No.</p> <p>17 Q. Didn't they tell you to get on the ground?</p> <p>18 A. Right. But when they came in, my head was up.</p> <p>19 Q. Have you been back to the CAID since May 31st of 2008?</p> <p>20 A. No.</p> <p>21 Q. Why not?</p> <p>22 A. I haven't wanted to even -- I just don't want to risk it.</p> <p>23 It's just this whole case has made me not want to go</p> <p>24 back.</p> <p>25 Q. So you didn't go to Halloween Funk Night?</p>
<p style="text-align: right;">Page 34</p> <p>1 A. I think it was dropped after pretrial.</p> <p>2 Q. Why was your father angry about you having to go back and</p> <p>3 forth to court? Was that because of the money for</p> <p>4 driving?</p> <p>5 A. Class mostly.</p>	<p style="text-align: right;">Page 36</p> <p>1 A. No.</p> <p>2 Q. I'm going to show you Defendant's Exhibit Number 5. In</p> <p>3 Defendant's Exhibit Number 5, there seems to be a Detroit</p> <p>4 police officer and he has the word police on what looks</p> <p>5 to be the left side in the chest area. Do you see that?</p>
<p>6 Q. Why did you say you feared for your life?</p> <p>7 A. Well, there were guns being pointed at my head.</p> <p>8 Q. Did you know they were Detroit police officers?</p> <p>9 A. No.</p> <p>10 Q. Did you hear them shouting Detroit police?</p> <p>11 A. Not for at least the first 30 seconds to a minute.</p> <p>12 Q. After that did you hear them say -- identify themselves</p> <p>13 as Detroit police officers?</p> <p>14 A. After awhile they did.</p> <p>15 Q. And you said after awhile they did.</p> <p>16 A. Right.</p> <p>17 Q. What do you mean by after awhile?</p> <p>18 A. After a minute or so.</p> <p>19 Q. How were the police officers dressed?</p> <p>20 A. They had all black on. They had ski masks, black</p> <p>21 bandannas. Some of them had caps on or black beanies.</p> <p>22 Black, kind of like armor suits.</p> <p>23 Q. Military style?</p> <p>24 A. Sort of like military style but all black.</p> <p>25 Q. Did they also have Detroit Police on their uniforms?</p>	<p>6 A. Yes.</p> <p>7 Q. Did you see that on the night of May 31st, 2008?</p> <p>8 A. No. Not the ones that came into the yard.</p> <p>9 Q. Okay. So were they dressed like the officers that we've</p> <p>10 described in defendant's Exhibit Number 6 and 5?</p> <p>11 A. They were dressed similar to number six but I didn't see</p> <p>12 any white writing. I guess they're wearing some other</p> <p>13 things. But they were dressed similarly to that, plus</p> <p>14 ski masks and bandannas, without the writing.</p> <p>15 Q. Have you talked to Tabitha about this lawsuit at all?</p> <p>16 A. Not much. Just kind of that it's going on.</p> <p>17 Q. How about Brian?</p> <p>18 A. Same thing. They don't know much about it.</p> <p>19 Q. And how about Ashley?</p> <p>20 A. Same.</p> <p>21 Q. Do you know if Tabitha was able to get her car back?</p> <p>22 A. She did I took her to get it back, actually.</p> <p>23 Q. Oh, you did?</p> <p>24 A. Yes.</p> <p>25 Q. So tell me about that. What happened there?</p>

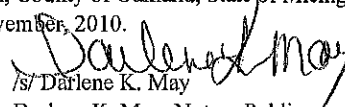
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1 A. We had to drive all around. She ended up having to pay
2 like \$1,200 to get it out. We had to go -- I believe
3 it's the police station first and then we went to, I
4 think another -- then we went to a court, but that might
5 have been.
6 Q. Was that the Wayne County Prosecutor's Office?
7 A. I believe so. And then we had to go to the tow --
8 Q. The tow yard?
9 A. The tow yard, yeah.
10 Q. Did she ever tell you why she didn't fight paying the
11 fee?
12 A. She did try to fight. I mean, she talked to them about
13 it, but she had to -- she actually had been -- she went
14 to school -- and I think she still does going to school
15 in New Hampshire.
16 But she had planned to go back to school
17 that day in the afternoon but she couldn't because she
18 didn't have her car. She just wanted to get her car back
19 so she can work the rest of the summer and go back to
20 school. She didn't want to have to deal with anything.
21 Q. Do you know if she hired an attorney to get her car
22 back?
23 A. No, she didn't.
24 MR. ASHFORD: I have nothing further.
25 MS. JAMES: Take a super short break and

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1 come back?
2 MR. ASHFORD: Sure.
3 (Recess taken.)
4 MS. JAMES: Back on the record.
5 I have no questions.
6 (Deposition concluded at 3:10 p.m.)
7 - - -
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1 STATE OF MICHIGAN)
2) ss
3 COUNTY OF OAKLAND)
4
5 I, Darlene K. May, Notary Public within and for
6 the County of Oakland, (Acting in Wayne), State of Michigan, do
7 hereby certify that the witness whose attached deposition was
8 taken before me in the above-entitled matter was by me duly
9 sworn at the aforementioned time and place; that the testimony
10 given by said witness was stenographically recorded in the
11 presence of said witness and afterwards transcribed by computer
12 under my personal supervision, and that the said deposition is
13 a full, true and correct transcript of the testimony given by
14 the witness.
15 I further certify that I am not connected by blood
16 or marriage with any of the parties or their attorneys, and
17 that I am not an employee of either of them, nor financially
18 interested in the action.
19 IN WITNESS WHEREOF, I have hereunto set my hand at
20 the City of Novi, County of Oakland, State of Michigan, this
21 28th day of November, 2010.
22 
23 /s/ Darlene K. May
24 Darlene K. May, Notary Public
25 Oakland County, Michigan
My commission expires: 01-13-14

10 (Pages 37 to 39)

EXHIBIT 13

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY MOBLEY,
PAUL KAISER, ANGIE WONG, JAMES
WASHINGTON, NATHANIEL PRICE,
JEROME PRICE, STEPHANIE HOLLANDER,
JASON LEVERETTE-SAUNDERS, WANDA
LEVERETTE, DARLENE HELLENBERG,
THOMAS MAHLER, and LAURA MAHLER

Plaintiffs,

v

CITY OF DETROIT, VICKI YOST,
and DANIEL BUGLO,
Defendant.

DEPOSITION OF IAN MOBLEY,

Taken by the Defendant on the 29th day of
November, 2010, at the Law Offices of Goodman & Hurwitz,
P.C., 1394 Jefferson Avenue, Detroit, Michigan, 48207, at
1:00 p.m.

APPEARANCES:

For the Plaintiff: KATHRYN BRUNER JAMES, ESQ. (P71374)
Goodman & Hurwitz, P.C.
1394 E. Jefferson Avenue
Detroit, Michigan 48207
Telephone: (313) 567-6170

For the Defendant: JERRY L. ASHFORD, ESQ. (P47402)
City of Detroit Law Department
660 Woodward Avenue, Suite 1650
Detroit, Michigan 48226
Telephone: (313) 237-3089

REPORTED BY: Angel Berry, CSR 7821
Certified Stenographic Reporter
RELIANCE COURT REPORTING
(313) 964-3611

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WITNESS

IAN MOBLEY

Direct Examination by Mr. Ashford

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EXHIBITS

(none)

RELIANCE COURT REPORTING
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Detroit, Michigan
Monday, November 29, 2010 - 1:00 p.m.

REPORTER: Do you swear or affirm that the
testimony you're about to give in this matter will be
the whole truth?

MR. MOBLEY: Yes.

MR. ASHFORD: Let the record reflect that
this is the deposition of Ian Mobley taken pursuant to
the federal rules of civil procedure to be used for
any and all purposes allowed under the Federal Rules
and the notice to all parties.

DIRECT EXAMINATION

MR. ASHFORD:

Q Good afternoon, Mr. Mobley. My name is Jerry Ashford
and I represent the City of Detroit and the police
officers in this lawsuit. Have you ever given any
type of testimony in court before?

A Not in court.

Q Was it outside of court?

A A deposition.

Q A deposition. Okay. What kind of case was that?

A Child molestation.

Q Okay. Were you a witness?

A Yes.

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Q Were you accused of child molestation?
A No.
Q Okay. Have you been - strike that.
Have you sat for a deposition in any other
case?
A No.
Q Okay. Well, that deposition is just like this
deposition. We have a court reporter that's sitting
to my left and she's sitting to your right. She's
taking down everything that we say, so therefore, I
need verbal answers to my questions. I can't take any
head nods or shakes or uh-huh, uh-huh.
A Okay.
Q Okay. If at any time I ask you a question and you
don't understand my question, let me know and I'll
rephrase until, hopefully, you do. State your full
name for the record.
A Ian Gordon Mobley.
Q How old are you, Ian?
A Twenty-three.
Q What's your date of birth?
A November 6th, 1987.
Q And what's your social security number?
A 373-08-9773.
Q What's your current address?

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1 A 21808 East River Road, Grosse Ile, Michigan.
 2 Q What city is that?
 3 A Grosse Ile, Michigan.
 4 Q How do you spell that?
 A G-r-o-s-s-e, space, I-l-e, and that's 48138.
 Q Who do you live with?
 A My mom, my dad and my brother.
 Q How long have you lived at the East River address?
 A They moved there about three years ago.
 Q Three years ago? Is that what you said, three years
 ago?
 A Yes.
 Q What's your mom's name?
 A Kimberly Mobley.
 Q And what is your dad's name?
 A Gordon Mobley.
 Q How many siblings do you have?
 A Two.
 Q What are their ages?
 A One is twenty-one and one is seventeen.
 Q What is your twenty-one year old sibling's name?
 A Emily Mobley.
 Q And the other?
 A Jack Mobley.
 Q Where did you live before the East River address?

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1 A In Riverview.
 2 Q Riverview, Michigan?
 3 A Yes.
 4 Q How long did you live there?
 5 A About ten years, I think.
 6 Q What was your address in Riverview?
 7 A 18157 Mulberry.
 8 Q What was the zip code?
 9 A 48132, maybe. I don't know. They changed it.
 10 Q Where were you born?
 11 A Where was I born?
 12 Q Yes.
 13 A Wyandotte Hospital.
 14 Q In Wyandotte, Michigan?
 15 A Yes.
 16 Q Did you attend high school?
 17 A Riverview Community High School.
 18 Q Did you graduate from Riverview?
 19 A Yes.
 20 Q What year?
 21 A 2006.
 22 Q Do you have any further education beyond Riverview?
 23 A I'm a current student at Michigan State University.
 24 Q What are you studying?
 25 A Advertising.

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1 Q Is that your major?
 2 A Yes.
 3 Q And you have not received a degree yet?
 4 A No.
 5 Q Have you ever attended any educational institution
 post-secondary besides Michigan State University?
 6 A University of Michigan Dearborn and I took a class at
 Wayne County Community College.
 7 Q How many classes did you take at U of M Dearborn?
 8 A Twelve credits my very first semester of my freshman
 year.
 9 Q You took did three credits at Wayne County?
 10 A Yes. I think about -- it was three or four credits at
 Wayne County Community College.
 11 Q Are you currently employed?
 12 A Yes.
 13 Q Where?
 14 A Guido's Pizza. Okemos, Michigan.
 15 Q How long have you worked there?
 16 A About three months.
 17 Q On May 31st of 2008 you were twenty years old?
 18 A Yes.
 19 Q So you were six months short of your twenty-first
 birthday?
 20 A Yes.

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1 Q Were you employed at the time?
 2 A Yes.
 3 Q Where?
 4 A I worked for my dad.
 5 Q Gordon Mobley?
 6 A Yes.
 7 Q Doing what?
 8 A Mow lawns and do landscaping. I also filed and served
 papers for him.
 9 Q What kind of papers did you file and serve for him?
 10 A Legal documents.
 11 Q Is he an attorney?
 12 A Yes.
 13 Q What practice area?
 14 A Downriver. His office is in Riverview.
 15 Q So he has law offices in Riverview, Michigan?
 16 A Yes.
 17 Q What kind of law does he practice?
 18 A General practice.
 19 Q Does he also have a landscaping business?
 20 A No, but he owns industrial parks and I cut the lawn
 and maintain the shrubs and things around it.
 21 Q On May 31st of 2008 were you attending Michigan State
 University?
 22 A Yes.

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1 Q During your adult life have you ever been arrested?
 2 MS. BRUNER-JAMES: Objection as to relevance.
 3 Go ahead.
 4 THE WITNESS: No.
 5 MR. ASHFORD: I'll give you a standing
 6 objection to these three questions as usual.
 7 MS. BRUNER-JAMES: Thank you.
 8 BY MR. ASHFORD:
 9 Q Mr. Mobley, have you ever been treated for substance
 10 abuse?
 11 A No.
 12 Q Have you ever been treated for any type of psychiatric
 13 illness or psychiatric condition?
 14 A No.
 15 Q Have you ever been a member of the Contemporary Art
 16 Institute of Detroit?
 17 A I'm not sure. The night of the raid I paid five
 18 dollars and they said it was a membership fee, but I
 19 didn't really pursue or ask them about that since
 20 then.
 21 Q You know, you do enough of these depositions and you
 22 start forgetting to ask questions. I see your license
 23 out. So do you have a Michigan Operators License?
 24 A Yes.
 25 Q May I see it please?

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1 MR. ASHFORD: Let the record reflect that Ian
 2 has handed me a Michigan Operators License
 3 #M-140-326-285-853, which expires on November 6th of
 4 2012 in the name of Ian Gordon Mobley. 21808 East
 5 River Road, Grosse Ile, Michigan 48138-1336. Date of
 6 birth is 11/6/1987. No restrictions; no endorsements.
 7 BY MR. ASHFORD:
 8 Q Thank you very much. Back to your membership status.
 9 So you paid five dollars on May 31st of 2008?
 10 A The night of the raid, yes.
 11 Q Did you fill out any paperwork when you entered into
 12 the Contemporary Art Institute of Detroit also known
 13 as the CAID?
 14 A I may have filled out my name and my e-mail address
 15 but I'm not sure.
 16 Q Do you specifically recall writing down your name and
 17 your e-mail address?
 18 A Not specifically, but --
 19 Q You can't say you didn't?
 20 A Yes, I can't say I didn't.
 21 Q After the May 31st, 2008 incident alleged in the
 22 complaint did you receive any type of correspondence
 23 through any channel whatsoever, or any manner
 24 whatsoever, from the Contemporary Art Institute of
 25 Detroit?

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1 A No.
 2 Q Prior to May 31st of 2008 had you ever visited CAID's
 3 website?
 4 A No.
 5 Q Do you currently have a Facebook page?
 6 A Yes.
 7 Q Have you ever discussed the incident on May 31, 2008
 8 on your Facebook page?
 9 A No.
 10 Q On May 31st of 2008 you did attend an event at the
 11 CAID, correct?
 12 A Yes.
 13 Q Who were you with that night?
 14 A My friends Mike, Zach and Brett.
 15 Q What's Mike's last name?
 16 A DiClaudio.
 17 Q Spell that?
 18 A D-i-a-u-d-i-o.
 19 Q How do you know Mike?
 20 A From Michigan State and he lives in Grosse Ile.
 21 Q What's Zach's last name?
 22 A Varela.
 23 Q And can you spell his last name?
 24 A V-a-r-e-l-a.
 25 Q And how did you know Zach?

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1 A I grew up with him.
 2 Q You ever attend school with him?
 3 A High school and middle school.
 4 Q And what's Brett's last name?
 5 A Donalin.
 6 Q Can you spell that for me please?
 7 A D-o-n-a-l-i-n.
 8 Q And how did you know him?
 9 A Michigan State and he's from Grosse Ile as well.
 10 Q How old is Mike?
 11 A Currently?
 12 Q Currently.
 13 A Twenty-three or twenty-four.
 14 Q How old is Zach?
 15 A Twenty-two.
 16 Q And how old is Brett?
 17 A Twenty-two.
 18 Q And at some point the four of you decided to go to the
 19 CAID that night, correct?
 20 A Yes.
 21 Q What was your mode of transportation?
 22 A To the CAID or from downriver?
 23 Q To the CAID.
 24 A We walked.
 25 Q What was your mode of transportation from downriver?

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1 A I drove.
 2 Q And were there only the four of you in the vehicle?
 3 A Yes.
 4 Q Where were you coming from?
 5 A My friend's cousin's house. We had just watched the
 6 Red Wings game.
 7 Q What's your friend's name?
 8 A Justin.
 9 Q What's his last name?
 10 A Medina.
 11 Q How old is he?
 12 A Twenty-two right now.
 13 Q What's your relationship with him?
 14 A High school, middle school. Good friend.
 15 Q What's his cousin's name?
 16 A I know him as Jay. I don't know his full first name
 17 or the last name.
 18 Q Okay. Do you know how old Jay is?
 19 A He's a couple years older than us so about
 20 twenty-four.
 21 Q Where was this home located?
 22 A Southgate, Michigan.
 23 Q Do you know the exact address?
 24 A No.
 25 Q What time did you arrive at the Red Wings game?

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1 Strike that.
 2 What time do you arrive at Jay's house for
 3 the Red Wings game?
 4 A Maybe around nine. I'm not sure.
 5 Q Nine o'clock p.m.?
 6 A Yes.
 7 Q And that would have been the evening of May 30th of
 8 2008?
 9 A Yes.
 10 Q And you drove to Jay's house?
 11 A Yes.
 12 Q Did you drive there alone?
 13 A No.
 14 Q Who was in the vehicle with you?
 15 A My friend, Zach.
 16 Q Where were you and Zach coming from?
 17 A Our houses.
 18 Q Did you pick up Zach at home?
 19 A Yes.
 20 Q How long had you and Zach been together before you
 21 attended the event at Jay's house?
 22 A The ten minutes that it took to drive there.
 23 Q So you were on your way to Jay's house and you picked
 24 up Zach on the way?
 25 A Yes.

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1 Q What type of vehicle were you driving that night?
 2 A A Honda Element.
 3 Q What color?
 4 A Black.
 5 Q What year?
 6 A 2004, maybe. I'm not sure.
 7 Q Who was the registered owner of the vehicle?
 8 A My mother, Kimberly Mobley.
 9 Q Who was the primary user of the vehicle?
 10 A At the time, my sister, Emily Mobley.
 11 Q How often did you use that vehicle?
 12 A We have a couple cars that we switch through, so a
 13 couple times a week usually.
 14 Q As of May 31st of 2008 how many vehicles did your
 15 family have?
 16 A I'm not sure.
 17 Q Okay. How many vehicles did you have yourself,
 18 personally?
 19 A Me and my sister had two between the two of us.
 20 Q And Emily was not with you that night, correct?
 21 A Correct.
 22 Q Do you know if the Honda Element was insured?
 23 A Yes, it was insured.
 24 Q What was the name of the insurer?
 25 A I think most of our cars are State Farm, but I'm not

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1 positive on that.
 2 Q During the time that you were at Jay's house did you
 3 or any of your friends have any alcoholic beverages to
 4 drink?
 5 MS. BRUNER-JAMES: Objection as to relevance.
 6 As you've already established, Ian was under
 7 twenty-one at the time, so with respect to Ian's
 8 consumption of alcohol at the time, he has a Fifth
 9 Amendment right not to answer that question.
 10 So, Ian, with respect to just yourself, I'm
 11 advising you not to answer any questions about
 12 consuming alcohol except for when Mr. Ashford asks you
 13 about what happened at the CAID that night. When he's
 14 asking you questions about when you were at the CAID
 15 the night that the police raided then I'd advise you
 16 to waive the right, but for this question I'd advise
 17 you to assert your right.
 18 BY MR. ASHFORD:
 19 Q Mr. Mobley, do you wish to avail yourself of your
 20 attorney's advice?
 21 A Yes.
 22 Q And plead the Fifth Amendment?
 23 A Yes.
 24 Q The other part of my question was were any of -- was
 25 anyone else at Jay's house drinking any alcoholic

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1 beverages?

2 THE WITNESS: Can I answer that?

3 MS. BRUNER-JAMES: Yes.

4 THE WITNESS: Yes.

BY MR. ASHFORD:

Q Who was drinking at Jay's house?

A Zach.

Q Zach?

A Yes.

Q What was he drinking?

A Probably beer. I couldn't tell you for sure.

Q Was it in a cup, glass, or bottle?

A I couldn't tell you for sure.

Q Was anyone else drinking at Jay's house?

A Yes.

Q Who else?

A Justin and Jay.

Q You said Justin and Jay?

A Yes.

Q Was Mike drinking?

A Mike wasn't there.

Q Okay. Was Brett there?

A No.

Q Okay. You picked them up after you left Jay's house?

A Yes.

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1 Q What time did you leave Jay's house?

2 A It was about twenty minutes after the Red Wings had won. I'm not really sure.

3 Q Do you know Zach's address?

4 A No.

5 Q Do you know his telephone number?

6 A Cell phone.

7 Q Can you give me his cell phone number please.

8 A (734)624-2392.

9 Q I'm sorry. I may have already asked you this, but what time did you leave Jay's house?

10 A I'm not sure of the exact time. It was about twenty minutes after the Wings won. I think it was around midnight.

11 Q On May 31st of 2008 did you have a cell phone?

12 A Yes.

13 Q Who was your cell phone provider?

14 A I couldn't tell you for sure. I think it was Verizon at the time.

15 Q What was the number?

16 A (734)674-5586.

17 Q So how did you meet up with Mike and Brett that night?

18 A I picked them up.

19 Q Did you talk with them on the phone before you picked them up?

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19

20

1 A Yes.

2 Q Whose idea was it to go to the CAID?

3 A Mike's.

4 Q Was Mike a member?

5 A I think he had been there. I'm not sure what his membership status was.

6 Q But he told you he had been there before?

7 A Yes.

8 Q And he suggested that you go to the CAID that night?

9 A Yes.

10 Q Okay. And you agreed?

11 A Yes.

12 Q And then what happened?

13 A We drove to his friend's house where I parked my car.

14 Q What friend's house?

15 A Dustin. He's actually not my friend; he's one of Mike's friends that I met that night.

16 Q What's Dustin's last name?

17 A I don't know.

18 Q Where does Dustin live?

19 A He lived in the area of the CAID. I couldn't tell you his address.

20 Q Do you know what street he lived on?

21 A No. I could find out. It's the only time I had ever been there.

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1 Q Okay. So you stopped by Dustin's house. How long were you at Dustin's house?

2 A Probably around fifteen to twenty minutes.

3 Q What were you doing at Dustin's house?

4 A My friends were kind of talking to them catching up. They grew up with them.

5 Q What friends grew up with Dustin?

6 A Brett and Mike.

7 Q Did Dustin live downriver?

8 A Yes, he's from Grosse Ile.

9 Q What time did you - approximately what time did you arrive at Dustin's home?

10 A I'm not sure, but if I had to guess I would say around 12:45.

11 Q Okay. At some point you decided to leave Dustin's home?

12 A Yes.

13 Q Okay. Then what happened?

14 A We talked to the CAID.

15 Q Why did you walk to the CAID?

16 A Because I had heard that it wasn't really a good idea to park your car there because people had gotten stuff broken into.

17 Q Who told you that?

18 A My friend, Mike. That was the reason we went to his

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1 friend's house instead of going directly to CAID.
2 Q How far was Dustin's home from the CAID?
3 A Around a mile give or take. It was about a fifteen to
4 twenty minute walk.
5 Q And who walked to the CAID with you?
6 A It was just us four.
7 Q It was you, Brett, Mike --
8 A And Zach.
9 Q Then what happened?
10 A Then we waited in line for a couple minutes and paid a
11 five dollar membership fee to get in.
12 Q Did each one of you pay a five dollar fee?
13 A From what I remember Mike may not have had to because
14 he had been there, but I think we all did.
15 Q Okay. And when you say you think "we all did", you're
16 including Mike?
17 A Yes.
18 Q Prior to May 31st of 2008 had you ever been to the
19 CAID?
20 A No.
21 Q Had you ever heard of Funk Night?
22 A Yes.
23 Q What had you heard about it?
24 A I had heard from my friend, Mike, that they had some
25 DJs, and go hang out and they would put our work on

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1 display. It was only five bucks.
2 Q Anything else you heard about the CAID?
3 A That was it.
4 Q Okay. Did you receive a wristband when you walked
5 into the CAID?
6 A No.
7 Q Did anyone check your identification when you walked
8 into the CAID?
9 A Yes.
10 Q Who checked your identification?
11 A I don't know.
12 Q Who was standing at the door?
13 A I don't know. You walk up to a table and then you'd
14 show them your I.D. and then if you're twenty-one you
15 get a wrist band, but I wasn't. I don't know who was
16 at the door.
17 Q You don't remember if at that time you filled out any
18 paperwork?
19 A No, I do not recall.
20 Q What was the lighting like at the table?
21 A It was well lit.
22 Q When you were standing at the table did you see anyone
23 with alcoholic beverages either in a cup or in a
24 bottle?
25 A No.

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23

1 Q During the time that you were in the CAID on May 31st
2 of 2008 did you see any type of alcoholic beverages
3 inside the CAID?
4 A Yes, I saw what I thought was alcoholic beverages.
5 Q Okay. Was it in a cup or was it in bottles?
6 A I think I remember it being in cups.
7 Q Okay. Did you see a keg?
8 A No.
9 Q Did you see anyone selling alcohol?
10 A No.
11 Q Or any exchange of money for beverages in cups?
12 A No.
13 Q Did you see any sales of any food?
14 A No.
15 Q Did you see any sales of anything whatsoever while you
16 were inside the CAID?
17 A No.
18 Q Did you observe a State of Michigan liquor license
19 posted inside the CAID?
20 A No.
21 Q Did you look?
22 A No.
23 Q Did you observe a City of Detroit dance permit inside
24 the CAID?

MS. BRUNER-JAMES: Objection as to

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24

1 foundation. Go ahead.
2 THE WITNESS: No.
3 BY MR. ASHFORD:
4 Q Did you look for one?
5 A No.
6 Q Did you observe a City of Detroit business license
7 inside the CAID?
8 MS. BRUNER-JAMES: Objection as to
9 foundation.
10 THE WITNESS: No.
11 BY MR. ASHFORD:
12 Q Did you look for one?
13 A No.
14 Q After you paid your five dollars then what happened?
15 A We proceeded to go in to where the DJ was at.
16 Q Where was the DJ located inside the CAID?
17 A You walk through the front door, turn left, and he's
18 there.
19 Q Was it in a back room further back in the building?
20 A You walk in and turn left and walk back a little bit.
21 Q And you went through a door into another room?
22 A A doorway. I don't know if there was a door.
23 Q Was it dark in the room where the DJ was?
24 A It was kind of dark.
25 Q But there was some lighting, correct?

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1 A A little bit.
2 Q What kind of lighting was there?
3 A Dim lights.
4 Q Were there overhead lights or lamps?
5 A I can't say for sure. I think overhead.
6 Q While you were inside the CAID on May 31st of 2008 did
7 you observe what you believed to be any narcotics?
8 MS. BRUNER-JAMES: Objection as to
9 foundation.
10 THE WITNESS: No.
11 BY MR. ASHFORD:
12 Q So once you walked back into the room where the DJ was
13 then what happened?
14 A We listened to music for a minute and then we checked
15 out some of the art work they had on display.
16 Q Approximately what time did you arrive at the CAID?
17 A I think it was around 1:15. I can't recall.
18 Q 1:15 a.m?
19 A Yes.
20 Q So after you listened to the DJ for a few minutes you
21 walked outside?
22 A First we went and checked some of the art work they
23 had on exhibit.
24 Q Where was the art work located?
25 A Back past the DJ and to the left I think.

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1 Q Okay. If you're walking through the doorway into the
2 room where the DJ is, as you walk through the doorway
3 is the DJ to your left?
4 A To the right.
5 Q He's to the right?
6 A Yes, I think.
7 Q Which way would you turn or which way would you go to
8 get to the art work?
9 A If you're coming through the doorway that the DJ was?
10 Q Yes.
11 A You'd go straight to the left I think.
12 Q Would you go through the room into another room before
13 you make a left?
14 A I'm not sure.
15 Q If you were going outside -- and outside there's a
16 patio area, right?
17 A Yes.
18 Q If you were going outside to the patio area, when you
19 went through the doorway which way would you turn or
20 which way would you go?
21 A To get to where?
22 Q To get to the patio area.
23 A You'd turn to the right.
24 Q Towards the DJ?
25 A Yes.

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1 Q You go past the DJ?
2 A Past the DJ and to the right.
3 Q Did you observe art work?
4 A Yes.
5 Q What kind of art work did you observe?
6 A Some paintings and some sculptures.
7 Q What type of sculptures did you observe?
8 A I don't really know art that well.
9 Q What was it a sculpture of? A man, a woman, a
10 soldier?
11 A I couldn't tell you it was so long ago.
12 Q Okay. How many sculptures did you see approximately?
13 A A couple.
14 Q How many paintings did you observe?
15 A A few.
16 Q Less than five?
17 A Yes, I'd say around five.
18 Q How long did you stay in that area?
19 A Maybe about ten or fifteen minutes.
20 Q Then what did you do?
21 A We went outside for a minute because it was kind of
22 crowded.
23 Q What did you do outside?
24 A We just kind of talked and listened to music --
25 Q What do you mean -- I'm sorry. Go ahead.

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1 A We were trying to meet some people.
2 Q What do you mean it was kind of crowded?
3 A There was a lot of people.
4 Q Could you walk easily inside?
5 A Yes. You could get around but it was kind of stuffy
6 and there was like people all around.
7 Q Okay. Were people dancing around the DJ?
8 A By the DJ, yes.
9 Q Were they dancing in the area where you were observing
10 the sculptures and the paintings?
11 A Not so much.
12 Q When you went back to look at the sculptures and
13 paintings who was with you?
14 A I think it was all four of us; me, Zach, Brett and
15 Mike.
16 Q Did all four of you go out to the patio area together?
17 A Yes.
18 Q So then what happened?
19 A We hung out there until the cops came.
20 Q Okay. Describe how that occurred.
21 A I don't know what you mean.
22 Q Well, you said the cops came. Tell me how and what
23 manner they came in?
24 A They slammed open the back door and came in. Some of
25 them had guns drawn.

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1 Q Did you know it was police officers?
2 A I wasn't really sure at first because they were
3 dressed in all black and they had their faces covered.
4 It was kind of just really confusing at the beginning.
5 Q How did you find out?
6 A I don't know. You could just kind of tell by the way
7 they conducted themselves and they said they were
8 police so I didn't know what else to think.
9 Q Did you see the word "police" on the apparel that they
10 were wearing?
11 A Not at first.
12 Q Okay. At what point did you see it?
13 A Probably closer to the time when they brought us all
14 inside.
15 Q How long were you outside?
16 A Around twenty minutes I think.
17 Q So when you were outside and they came through the
18 door, what did you do?
19 A Laid on the ground like they told everybody to do.
20 Q So you followed their instructions?
21 A Yes.
22 Q What were the weather conditions like that morning?
23 A I couldn't tell you. I think it was decently warm.
24 That's all I really remember.
25 Q Was it raining?

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1 A I can't remember.
2 Q Was the ground wet?
3 A It was a little wet.
4 Q During the time that you were outside in the patio
5 area of the CAID did you see any type of violent acts
6 by Detroit police officers against any of the patrons
7 of the CAID?
8 A Yes.
9 Q What did you see?
10 A I saw one man get kicked down.
11 Q Can you describe that man for me?
12 A Couldn't describe what he looks like.
13 Q Was he -- can you give me his race?
14 A He was white.
15 Q Did you hear anything he said to the Detroit police
16 officers?
17 A I remember him asking for either the officer's name or
18 badge number. He was on his knees with his hands
19 behind his head, and then the officer said, get down
20 on the ground or I'm going to shove my boot up your
21 ass, and proceeded to kick him down and stood on him
22 for a second.
23 Q Was this person refusing to obey that police officer's
24 order to get down?
25 A He was on his knees with his hands on his head but he

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1 didn't have his face in the dirt like we all did.
2 Q Did the officer ask him to do that?
3 A Yes, I believe he asked him to lay down on the ground.
4 Q Did he verbally refuse to do that?
5 A I don't know if he refused to do it but he -- I think
6 he responded with a question of either what was going
7 on or asked for a badge number.
8 Q Did you ever observe any other violent acts from
9 Detroit police officers directed toward the patrons or
10 staff of the CAID?
11 A I saw someone getting tackled.
12 Q At what point did you observe that?
13 A Probably less than two minutes from when they came in
14 the back.
15 Q Can you describe the person that was tackled?
16 A I think he was African-American. I couldn't really --
17 he was towards the back of the back and I was right by
18 the door.
19 Q Can you describe the officer that tackled him?
20 A No.
21 Q Can you describe the officer that kicked the white
22 gentleman that you told me about earlier?
23 A He was a pretty bulky guy. He was African-American
24 and --
25 Q Light-skinned or dark-skinned?

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1 A Dark.
2 Q Can you describe his hair for me; short, long?
3 A I know he had a beard. I don't know if he had a hat
4 on, but I can't think of his hair really.
5 Q Any other distinguishing features of this officer?
6 A No.
7 Q Did you ever find out that officer's name?
8 A No.
9 Q Do you know the name of the officer that tackled the
10 African-American gentleman you told me about?
11 A No.
12 Q Did you see any other violent acts by Detroit police
13 officers inside the CAID on May 31st, 2008 that was
14 directed toward patrons or staff of the CAID?
15 A Not that I can remember.
16 Q Were any -- strike that.
17 Did any Detroit police officers physically
18 abuse you?
19 A No.
20 Q So after -- strike that.
21 You were lying on the ground for twenty
22 minutes approximately and then what happened?
23 A They started to herd up everybody to get them inside.
24 Q Okay. And then what happened?
25 A Then they took the girls into one room, and then all

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1 the guys were in one room and they had us kneel on the
 2 concrete floor with our hands on our head.
 3 Q Were there more girls than guys?
 4 A I couldn't tell you. Not noticeably.
 5 Q So the groups were pretty much equal?
 6 A From what I could tell.
 7 Q Where were you taken inside the CAID?
 8 A Right -- the room that's in there right when you come
 9 in the back door.
 10 Q Was that the room where the DJ was?
 11 A Yes.
 12 Q Okay. And then what happened?
 13 A They had us kneel on the ground with our hands above
 14 our head and then I think it was after that, that they
 15 collected all our belongings and put them into plastic
 16 bags.
 17 Q When you were kneeling were you given the option of
 18 being on your knees?
 19 A What do you mean?
 20 Q Like were you on your knees?
 21 A Yes. We had to be on our knees. I asked to be able
 22 to sit and they said no at first, and then a little
 23 bit later they said we could sit but somebody that I
 24 was sitting next to asked the cop something and they
 25 made us get back on our knees as punishment.

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1 Q What did he ask the cop?
 2 A I don't know. I can't remember what he asked him but
 3 he was talking to the cop.
 4 Q Okay. Can you describe this police officer for me?
 5 A No, I couldn't.
 6 Q How long were you on your knees initially?
 7 A Twenty minutes.
 8 Q How long were you on your knees the second time?
 9 A About ten.
 10 Q Okay. Then what happened?
 11 A After they had all our belongings they started calling
 12 people by the plastic bags.
 13 Q Okay. So during the time that you were on your knees
 14 the first time they gathered your personal belongings?
 15 A Yes.
 16 Q Did someone search you?
 17 A Yes. We gave them our belongings and they patted us
 18 down to make sure that we didn't have anything else.
 19 Q And they put those belongings in plastic bags?
 20 A Yes.
 21 Q Okay. And at some point you were called up?
 22 A Yes.
 23 Q And what happened?
 24 A They asked me how I had gotten there and I told them
 25 that I had walked. They saw my keys and where I lived

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1 and they asked how I had gotten to Detroit and I told
 2 them I drove to my friend's house.
 3 Q Okay. Then what happened?
 4 A Okay. Then she asked me where my car was. I didn't
 5 know that area in the first place so I told her, I
 6 don't know what street my friend lives on. I told her
 7 that my car wasn't here so I didn't know why it
 8 mattered where my car was.
 9 Q Then what happened?
 10 A My friend, Mike, stood up and said he knew where my
 11 car was.
 12 MR. ASHFORD: Off the record.
 13 (Off the record at, or about 1:57 to 1:58
 14 p.m.)
 15 BY MR. ASHFORD:
 16 Q Can you describe this officer that was questioning you
 17 about the whereabouts of your car?
 18 A It was a lady. I couldn't -- she was kind of skinny.
 19 Q Was she African-American, white?
 20 A Yes, she was African-American.
 21 Q Light-skinned or dark-skinned?
 22 A Light-skinned.
 23 Q Can you describe her hair for me; long, short?
 24 A It's probably medium slash long.
 25 Q Did she have glasses on or anywhere like that?

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1 A Not that I can remember.
 2 Q Did she have a police uniform on or did she have --
 3 A I think she had a police uniform on. At least a
 4 police jacket.
 5 Q Could you see a badge that she was wearing?
 6 A I can't remember specifically. I'd probably say yes.
 7 Q So what happened after Mike stood up and volunteered
 8 information concerning your car?
 9 A I think it was another woman cop that handcuffed me
 10 and made me sit against the wall. He drove around
 11 with her and another officer until they could find my
 12 car.
 13 Q Can you describe the officer that handcuffed you?
 14 A A lady, Caucasian, maybe about 5'5".
 15 Q How was she dressed?
 16 A I think she had a police -- some type of police
 17 uniform and something over her face.
 18 Q What color was her hair?
 19 A I don't know. I think it was up in her hair or
 20 something.
 21 Q Okay. What kind of hat did she have on?
 22 A I don't know.
 23 Q Was it your standard police hat or was it like -- can
 24 you describe it for me at all?
 25 A I think it was more like a baseball cap. I just

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1 remember her face was covered and I couldn't really
2 see her hair.
3 Q Did she say anything to you?
4 A Not really.
5 Q She, Mike, and another officer drove around looking
6 for your car?
7 A Yes.
8 Q Can you describe the other officer that was with the
9 female officer and Mike?
10 A The only way I know he was with them is because he was
11 the one that drove my car back to CAID from where it
12 was, but he was an African-American, pretty big guy.
13 Probably younger than forty. Probably around 6'2",
14 6'3".
15 Q How do you know he drove your car back?
16 A Because Mike told me and then when they let me out of
17 the CAID he was in my car.
18 Q So after she handcuffed you did she go talk to Mike?
19 A Yes. Mike walked up to her and then they walked out
20 of the CAID to go look for my car.
21 Q Who gave Mike permission to walk up to her? Did she
22 ask him?
23 A Yes, like he raised his hand like, I know where it is.
24 She was like, and told him to come up.
25 MS. BRUNER-JAMES: Just let the record

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1 reflect that the witness gestured beckoningly with his
2 hand.
3 BY MR. ASHFORD:
4 Q Who is she that beckoned him to come up?
5 A The white lady officer.
6 Q Okay. So he was standing at the table as you were
7 being handcuffed?
8 A Yes.
9 Q Okay. And then he left with the officer that
10 handcuffed you to go find your car?
11 A Yes.
12 Q Did he volunteer to do that or did she direct him to
13 do that?
14 A He told her he knew where it was and then she told him
15 to come with him.
16 Q Okay. And "she" being the Caucasian officer?
17 A Yes.
18 Q Okay. Then what happened?
19 A I was handcuffed. I was asking the officers what was
20 happening or why I was handcuffed and the only
21 response I would get is that there's probably a good
22 reason and so I sat there handcuffed for about thirty
23 to forty minutes until they came back and said they
24 had gotten my car, and then probably about five or ten
25 minutes after that I was unhandcuffed.

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1 Q Then what happened?
2 A I think they gave me my ticket and then sent me out to
3 my car.
4 Q Who gave you a ticket?
5 A I can't remember who it was that gave me the ticket.
6 Q It wasn't the Caucasian woman that had questioned you
7 regarding your car?
8 A No, it wasn't her.
9 Q It wasn't the officer that handcuffed you?
10 A Well, that was the Caucasian woman.
11 Q A Caucasian woman handcuffed you?
12 A Yes.
13 Q Okay.
14 A She's the one that handcuffed me.
15 Q That's right, and the African-American woman is the
16 one who initially questioned you about your car.
17 A She was the one going through the bags at the time.
18 Q Did she write you a ticket?
19 A She may have been the one that wrote me the ticket.
20 Q You can't really remember who wrote you the ticket?
21 A No, because I was kind of like in confusion of why I
22 was handcuffed and what was going on at the time.
23 Q But at this time you weren't in handcuffs when you
24 received the ticket, right?
25 A I had just been released from them, yes.

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1 Q Then what happened after you received the ticket?
2 A I walked out and met the officer who had driven my
3 car.
4 Q Okay. Then what happened?
5 A He showed me some paperwork and told me that my car
6 was being impounded and if I needed to grab anything I
7 could grab some stuff.
8 Q So then what happened?
9 A I don't know if he gave me paperwork but he drove the
10 car away.
11 Q Okay. Then what happened?
12 A I stood outside of CAID until all my friends were all
13 through and then I ended up having to call my father
14 at 5:30 in the morning to come pick me up.
15 Q At the time you called your father was Brett out of
16 the CAID?
17 A Yes, we were all out of the CAID.
18 Q So by "we were all out of the CAID", you're referring
19 to Mike, Brett and Zach?
20 A Yes.
21 Q Dustin did not go to the CAID with you?
22 A No.
23 Q So at 5:30 you called your dad?
24 A Yes.
25 Q Why did you call your dad?

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1 A Zach had tried his parents and he couldn't get ahold
2 of them. I really didn't want to call my parents but
3 I couldn't walk home from Detroit.
4 Q Okay. Then what happened?
5 A My dad was really angry and ended up coming to pick us
6 up.
7 Q Okay. How do you know he was angry?
8 A Because he was shouting at me and didn't even know
9 what I was talking about when I told him the car was
10 impounded and I was like stranded in Detroit. My dad
11 doesn't get mad very easily but he didn't talk to me
12 for like a couple days after that.
13 Q Then what happened?
14 A Me and Zach drove home with my dad and Brett and Mike
15 stayed at Dustin's.
16 Q So you and Zach went with your dad?
17 A Yes.
18 Q Did your dad drop Zach off at home?
19 A Yes.
20 Q And at some point you had to -- strike that.
21 At some point your parents were able to
22 secure the return of the vehicle?
23 A About five months later.
24 Q Did you have any participation in the return of the
25 vehicle?

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1 Q Did you see your father pay to get the car back?
2 A No.
3 Q Okay. Did he present the police officer with
4 paperwork to get the car back?
5 A He may have. I can't remember.
6 Q So you were just kind of tagging along?
7 A Yes.
8 Q Why did you go?
9 A Because we needed someone else to drive the car back.
10 Q Okay. Did you appear at the 36th District Court for
11 the ticket that was issued to you?
12 A For the loitering?
13 Q Yes.
14 A Yes.
15 Q How many times did you appear?
16 A Only one that I can think of.
17 Q Did you retain an attorney?
18 A Yes.
19 Q Who was your attorney?
20 A I'm not sure. Was it Michael Steinberg and ACLU?
21 Q Was that your attorney?
22 A Yes, I think it was Michael Steinberg.
23 Q So you were represented by the ACLU?
24 A Yes.
25 Q And eventually the charge was dismissed against you?

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1 A I don't know. What does that mean?
2 Q Like did you go to court regarding the vehicle?
3 A Not me personally.
4 Q Okay.
5 A I went and picked it up but --
6 Q You went to go pick it up?
7 A Yes.
8 Q When did you go to pick it up?
9 A I couldn't tell you the exact date.
10 Q But it was five months after this incident
11 approximately?
12 A Yes, approximately.
13 Q Who went with you to pick it up?
14 A Me and my dad.
15 Q Where did you go to pick it up?
16 A I think it was somewhere on Jefferson. I don't know
17 the exact --
18 Q Was it a towing yard?
19 A Yes, but there was a police officer working the front
20 desk so I don't know.
21 Q You sure it wasn't a police precinct?
22 A It may have been. I'm not sure. I know there was a
23 police officer there.
24 Q Did you go to the Wayne County Prosecutor's Office?
25 A I don't know.

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1 A Yes.
2 MR. ASHFORD: Off the record.
3 (Off the record at, or about 2:09 to 2:09
4 p.m.)
5 BY MR. ASHFORD:
6 Q Ian, in your own words can you tell me how you were
7 damaged or injured by this incident that occurred?
8 A It really strained my family because my parents didn't
9 really understand what was going on and they were
10 angry with me for -- pretty much until we got the car
11 back. It was my sister's car so she was really angry
12 with me and it caused a lot of fighting because we had
13 to share the car that I would normally use.
14 It also hurt because I have to use the car to
15 get around to serve people to file documents in
16 Detroit and also to mow lawns. It was just stressful
17 overall. Also, when I was handcuffed the handcuffs
18 were very tight and it was just really stressful not
19 knowing why I was handcuffed and not knowing how long
20 or what was going on.
21 Q Did you see any type of medical professional or mental
22 health professional as a result of the incident
23 alleged in the complaint?
24 A No.
25 Q Do you know if your parents retained an attorney to

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1 get the car back?
 2 A I think my father was the attorney. I'm not sure
 3 though.
 4 MR. ASHFORD: Okay. Off the record.
 (Off the record at, or about 2:11 to 2:12
 p.m.)
 7 MR. ASHFORD: I don't have anything further.
 8 Thank you very much.
 9 MS. BRUNER-JAMES: Let's just take a quick
 10 break and then I'll let you know if I have any
 11 questions.
 12 (Off the record at, or about 2:12 to 2:14
 13 p.m.)
 14 MS. BRUNER-JAMES: Okay. No questions.
 15 Thank you.
 16 (Matter concluded.)
 17
 18
 19
 20
 21
 22
 23
 24
 25

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1 CERTIFICATE OF NOTARY
 2 STATE OF MICHIGAN)
 3 COUNTY OF WAYNE)
 4
 5 I, Angel Berry, CSR, and Notary Public in and for
 6 the County of Wayne, certify that this transcript,
 7 consisting of 46 pages, is a complete, true, and correct
 8 record of the testimony of Ian Mobley, held in this case on
 9 November 29, 2010.
 10 I also certify that prior to taking this
 11 deposition, Ian Mobley was duly sworn to tell the truth.
 12
 13
 14 12-3-10 (Date)
 15
 16
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 18
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 22
 23
 24
 25

Angel Lee Berry, CSR-7821
 Notary Public, Wayne County,
 Michigan
 My Commission Expires: April 6, 2012

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EXHIBIT 14

1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY
MOBLEY, PAUL KAISER,
ANGIE WONG, JAMES
WASHINGTON, NATHANIEL
PRICE, JEROME PRICE,
STEPHANIE HOLLANDER,
JASON LEVERETTE-SAUNDERS,
WANDA LEVERETTE, DARLENE
HELLENBERG, THOMAS MAHLER
and LAURA MAHLER,

Plaintiffs,

-vs-

No. 10-10675

CITY OF DETROIT, VICKI YOST,
and DANIEL BUGLO,

Defendants.

The deposition of JAMES WASHINGTON, taken

before Reporter Laverne M. Reinhardt, CSR-2305, Notary
Public in and for the County of Wayne, State of
Michigan, at 1394 E. Jefferson Avenue, Detroit,
Michigan, on Wednesday, October 27, 2010, commencing at
or about the hour of 1:07 p.m.

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APPEARANCES:

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I N D E X

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Cross Examination by Mr. Ashford 5
Cross Examination by Ms. James 38

W X H I B I T S

None.

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Detroit, Michigan
Wednesday, October 27, 2010
1:07 p.m.

01:09PM

01:10PM

01:10PM

01:11PM

01:11PM

MR. ASHFORD: Let the record reflect
that this is the deposition of James Washington,
taken pursuant to the Federal Rules of Civil
Procedure with Notice to all parties, to be used
for any and all purposes allowed under the Federal
Rules of Civil Procedure. Off the record for a
moment.

(Discussion held off the
record.)

MR. ASHFORD: Good morning, Mr.
Washington.

THE WITNESS: Good morning.
MR. ASHFORD: My name is Jerry
Ashford and I represent the city of Detroit and the
police officers in this lawsuit that you filed.
Have you ever given any type of testimony in a
court proceeding?

THE WITNESS: No.

MR. ASHFORD: Have you ever given
any type of testimony with a court reporter present
inside or out?

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1 THE WITNESS: No.
2 MR. ASHFORD: Okay. Have you seen
3 people give testimony in a court of law on
4 television?

01:11PM

5 THE WITNESS: Yeah.
6 MR. ASHFORD: Okay. Well, we have a
7 court reporter that's sitting here and she's taking
8 down everything that we say, okay. So I'm going to
9 need verbal answers to my questions, okay?

01:11PM

10 THE WITNESS: Okay.
11 MR. ASHFORD: I can tell you like to
12 nod your head but what I'm going to go need are
13 verbal answers from you, okay?

01:12PM

14 THE WITNESS: No problem.
15 MR. ASHFORD: If I ask you any
16 question you don't understand please let me know
17 and I'll rephrase my question until hopefully you
18 do understand. Okay?

19 THE WITNESS: Okay.
20 JAMES WASHINGTON,
21 having first been duly sworn, to testify to the
22 truth, the whole truth and nothing but the truth,
23 was examined and testified on his oath as follows:

24
25

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1 Q. And what's your date of birth?
2 A. **11-2-1980.**
3 Q. So you're 29 years old?

01:13PM

4 A. **Yes. I'll be 30 in a week.**
5 Q. Do you have a Michigan operator's license with you
6 today?
7 A. **No, I don't.**
8 Q. Do you have a Michigan identification card?
9 A. **I have one but it's not in my pocket. I think it's**
10 **in the van.**

01:13PM

11 Q. An identification card or an operator's license in
12 the van?
13 A. **Identification card.**

01:13PM

14 Q. Okay. Where were you born?
15 A. **Detroit.**

01:13PM

16 Q. Did you attend high school in Detroit?
17 A. **Yes.**
18 Q. Did you graduate from high school in Detroit?
19 A. **Yes.**

01:14PM

20 Q. What high school did you graduate from?
21 A. **Northern High School.**

01:14PM

22 Q. What year?
23 A. **'99.**
24 Q. Did you have any education beyond Northern High
25 School, any formal education beyond Northern High

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1 CROSS-EXAMINATION

2 BY MR. ASHFORD:
3 Q. Please state your full name for the record.
4 A. **James William Washington.**

01:12PM

5 Q. And what's your address?
6 A. **13887 Mackay, M-a-c-k-a-y.**

7 Q. Is that in the city of Detroit?

8 A. **Yes.**

9 Q. How long have you lived at that address?

01:12PM

10 A. **Fifteen years maybe.**

11 Q. Who do you live there with?

12 A. **My father.**

13 Q. What's your father's name?

14 A. **Dannie, D-a-n-n-i-e, Washington.**

01:12PM

15 Q. How old is your dad?

16 A. **Don't quote me but --**

17 Q. Approximately.

18 A. **Fifty-six.**

19 Q. Okay. Okay. You know his birth day, don't you?

01:12PM

20 A. **2-4-54.**

21 Q. That's all that counts. Okay. What's his Social
22 Security number? I'm sorry, strike that.

23 What's your Social Security
24 number?

01:13PM

25 A. **XXX-XX-5785.**

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1 School?
2 A. **No.**
3 Q. Are you currently employed?

4 A. **No.**

01:14PM

5 Q. Do you have any specialized training in any
6 occupational field?

7 A. **Security.**

8 Q. Are you certified in that field?

9 A. **Not in the state.**

01:14PM

10 Q. So you're not certified by any governmental agency?

11 A. **No.**

12 Q. Any type of trade association or organization?

13 A. **No.**

14 Q. What kind of training do you have in security?

01:15PM

15 A. **Searches, mostly dealing with student security in
16 the school setting.**

17 Q. Where did you receive your training?

18 A. **On the job training with a charter school I worked
19 at.**

01:15PM

20 Q. What charter school was that?

21 A. **W.E.B. Dubois Academy.**

22 Q. Was that the last place you worked?

23 A. **Yes.**

24 Q. What was your end date of employment at the charter
25 school?

01:15PM

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1 A. **It was this summer actually, June.**
 2 Q. How long did you work there?
 3 A. **Five years.**
 4 Q. What was your job title there?
 01:16PM 5 A. **Security.**
 6 Q. You were a security officer?
 7 A. **Yes.**
 8 Q. What was your rate of pay there?
 9 A. **\$15 an hour.**
 01:16PM 10 Q. Why did you leave?
 11 A. **They laid me off due to budget issues.**
 12 Q. Where did you work before the charter school?
 13 A. **Before then I taught martial arts and did security**
 14 **at various clubs around here.**
 01:16PM 15 Q. Which martial art?
 16 A. **Martial arts from Africa.**
 17 Q. That's interesting. Did you have your own school?
 18 A. **I'm part of a school but it's not per se mine.**
 19 Q. So you were just an instructor at a school?
 01:16PM 20 A. **Yes.**
 21 Q. And you are a black belt?
 22 A. **African martial arts doesn't have belts so it's not**
 23 **the same ranking structure but I'm pretty good.**
 24 Q. Comparable to a black belt in another martial art?
 01:17PM 25 A. **You could say that.**

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1 A. **Didn't like being gone from home that much.**
 2 Q. So you quit?
 3 A. **Yes.**
 4 Q. How much were you making there when you -- on your
 01:18PM 5 last date of employment?
 6 A. **Thirty-four cents a mile.**
 7 Q. Mr. Washington, during your adult life have you
 8 ever been arrested for a crime?
 9 A. **Yes.**
 01:19PM 10 MS. JAMES: Objection.
 11 BY MR. ASHFORD:
 12 Q. Go ahead.
 13 MS. JAMES: Go ahead.
 14 THE WITNESS: Yes.
 01:19PM 15 BY MR. ASHFORD:
 16 Q. Why?
 17 MS. JAMES: Objection, relevance.
 18 Go ahead.
 19 THE WITNESS: Possession of brass
 01:19PM 20 knuckles.
 21 BY MR. ASHFORD:
 22 Q. When?
 23 MS. JAMES: Objection, relevance.
 24 THE WITNESS: I'm not exactly sure
 01:19PM 25 but three years ago, three and a half years ago

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1 Q. How long did you work there?
 2 A. **Teaching martial arts you mean?**
 3 Q. Yes.
 4 A. **I still do it.**
 01:17PM 5 Q. So it's not a full-time position?
 6 A. **No, not at all.**
 7 Q. Prior to your job at the charter school what was
 8 your previous full-time position?
 9 A. **I believe it was for Decker Trucking, truck driving**
 01:18PM 10 **company.**
 11 Q. Where is that located?
 12 A. **Riverdale, New Jersey.**
 13 Q. Did you live in New Jersey?
 14 A. **No.**
 01:18PM 15 Q. You still lived in Detroit?
 16 A. **Yes.**
 17 Q. But the headquarters was in New Jersey?
 18 A. **Yes, in Riverdale.**
 19 Q. How long did you work for Decker Trucking?
 01:18PM 20 A. **A year maybe.**
 21 Q. What did you do for Decker Trucking?
 22 A. **Hauled freight.**
 23 Q. So you were a truck driver?
 24 A. **Yes.**
 01:18PM 25 Q. Why did you leave?

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1 maybe.
 2 BY MR. ASHFORD:
 3 Q. By what police agency?
 4 MS. JAMES: Objection, relevancy.
 01:18PM 5 THE WITNESS: Detroit.
 6 BY MR. ASHFORD:
 7 Q. Were you convicted of that crime?
 8 MS. JAMES: Objection, relevance.
 9 THE WITNESS: I took a plea, yes.
 01:20PM 10 BY MR. ASHFORD:
 11 Q. You pled guilty?
 12 A. **Yes.**
 13 Q. Was that 36th District Court or Wayne County
 14 Circuit Court?
 01:20PM 15 MS. JAMES: Objection, relevance.
 16 THE WITNESS: It was at Frank Murphy
 17 Hall of Justice I believe.
 18 BY MR. ASHFORD:
 19 Q. Besides being in possession of brass knuckles have
 01:20PM 20 you ever been arrested for any other criminal
 21 violation?
 22 A. **No.**
 23 MS. JAMES: Objection, relevance.
 24 BY MR. ASHFORD:
 01:20PM 25 Q. During your adult life have you ever been treated

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<p style="text-align: center;">13</p> <p>1 for substance abuse?</p> <p>2 MS. JAMES: Objection, relevance.</p> <p>3 THE WITNESS: No.</p> <p>4 BY MR. ASHFORD:</p> <p>01:20PM 5 Q. During your adult life have you ever been treated</p> <p>6 for any psychiatric, psychological or mental health</p> <p>7 problem?</p> <p>8 MS. JAMES: Objection, relevance.</p> <p>9 THE WITNESS: No.</p> <p>01:20PM 10 BY MR. ASHFORD:</p> <p>11 Q. Are you now or have you ever been a member of the</p> <p>12 Contemporary Art Institute of Detroit?</p> <p>13 A. No.</p> <p>14 Q. Now my understanding is that when you go to one of</p> <p>01:21PM 15 these parties that as part of your admission you</p> <p>16 become a member of the Contemporary Art Institute</p> <p>17 of Detroit. Do you know anything about that?</p> <p>18 A. No, I wouldn't know anything about that.</p> <p>19 Q. You were at Contemporary Art Institute of Detroit</p> <p>01:21PM 20 on May 31, 2008, correct?</p> <p>21 A. Is that the date that the police came in?</p> <p>22 Q. She can't really answer.</p> <p>23 A. Well, I'm asking because I don't want to say yes to</p> <p>24 something I'm not sure of but yes, I believe if the</p> <p>01:21PM 25 dates match.</p> <p style="text-align: center;">RELiance COURT REPORTING (313) 964-3611</p>	<p style="text-align: center;">14</p> <p>1 Q. So on the date alleged in your Complaint against</p> <p>2 the police officers you did enter the Contemporary</p> <p>3 Art Institute of Detroit?</p> <p>4 A. Yes.</p> <p>01:22PM 5 Q. When you came in you paid a fee?</p> <p>6 A. Yes.</p> <p>7 Q. How much?</p> <p>8 A. I'm not exactly sure but I believe it was in the</p> <p>9 area of \$2 maybe.</p> <p>01:22PM 10 Q. Did anyone indicate to you -- strike that.</p> <p>11 Had you ever been there before?</p> <p>12 A. No, I had never been there before.</p> <p>13 Q. Did anyone indicate to you that by payment of your</p> <p>14 fee you were becoming a member of the Contemporary</p> <p>01:22PM 15 Art Institute of Detroit?</p> <p>16 A. No.</p> <p>17 Q. Did anyone indicate to you that this was a members</p> <p>18 only event?</p> <p>19 A. It was indicated that it was private. But not per</p> <p>01:22PM 20 se members only.</p> <p>21 Q. What did that mean to you that it was private?</p> <p>22 A. It's not open to the public.</p> <p>23 Q. Did you have to fill out any paperwork, your name,</p> <p>24 address or e-mail address or anything like that to</p> <p>01:23PM 25 become -- did you have to provide any of that to</p> <p style="text-align: center;">RELiance COURT REPORTING (313) 964-3611</p>
<p style="text-align: center;">15</p> <p>1 the Contemporary Art Institute of Detroit on that</p> <p>2 night?</p> <p>3 A. I'm not exactly sure. I think we may have signed</p> <p>4 in coming in but nothing asking your name and</p> <p>01:23PM 5 information.</p> <p>6 Q. If you had to sign in what did you have to sign in?</p> <p>7 A. Maybe just contact e-mail or phone number,</p> <p>8 something like that.</p> <p>9 Q. Had you ever been to the Contemporary Art Institute</p> <p>01:23PM 10 of Detroit website?</p> <p>11 A. No.</p> <p>12 Q. Have you -- strike that.</p> <p>13 Did you -- on May 31st of 2008</p> <p>14 did you know any of the employees or volunteers who</p> <p>01:23PM 15 worked at the Contemporary Art Institute of</p> <p>16 Detroit?</p> <p>17 A. No.</p> <p>18 Q. Do you have a Facebook page?</p> <p>19 A. Yes.</p> <p>01:24PM 20 Q. Have you discussed this incident alleged in your</p> <p>21 incident on your Facebook page?</p> <p>22 A. No.</p> <p>23 Q. On May 31, 2008, did you have a cell phone?</p> <p>24 A. Yes.</p> <p>01:24PM 25 Q. Who's your carrier?</p> <p style="text-align: center;">RELiance COURT REPORTING (313) 964-3611</p>	<p style="text-align: center;">16</p> <p>1 A. At the time I believe it was Metro PCS but I'm not</p> <p>2 exactly sure.</p> <p>3 Q. On May 31st of 2008 did you own a car?</p> <p>4 A. No.</p> <p>01:24PM 5 Q. And -- strike that.</p> <p>6 Did you drive to the</p> <p>7 Contemporary Art Institute of Detroit on May 31,</p> <p>8 2008?</p> <p>9 A. No, I didn't.</p> <p>01:24PM 10 Q. You were a passenger in a vehicle?</p> <p>11 A. Yes, correct.</p> <p>12 Q. Who was driving the vehicle that you were a</p> <p>13 passenger in?</p> <p>14 A. A friend that invited me to the event.</p> <p>01:24PM 15 Q. What's the name of your friend?</p> <p>16 A. Joy Wells.</p> <p>17 Q. How old is Joy?</p> <p>18 A. I'm not exactly sure but I belief she was in the</p> <p>19 area of 23.</p> <p>01:25PM 20 Q. How did you know Joy?</p> <p>21 A. She was a friend.</p> <p>22 Q. Was there anyone else in the car besides you and</p> <p>23 Joy?</p> <p>24 A. No.</p> <p>01:25PM 25 Q. How long had you known Joy?</p> <p style="text-align: center;">RELiance COURT REPORTING (313) 964-3611</p>

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1 **A. Approximately a year prior.**
 2 **Q.** Do you know if Joy had ever been to a Contemporary
 3 Art Institute of Detroit event?
 4 **A. I wouldn't know for certain.**
 01:26PM 5 **Q.** Did she ever tell you that?
 6 **A. No, we never discussed it.**
 7 **Q.** Where were you coming from?
 8 **A. Her house.**
 9 **Q.** Where did she live?
 01:26PM 10 **A. Last time I spoke with her then it was in the area**
 11 **of Schaefer and Lyndon.**
 12 **Q.** Who suggested that you go to the party?
 13 **A. She did.**
 14 **Q.** Did she indicate to you how she knew about the
 01:26PM 15 party?
 16 **A. No, she didn't.**
 17 **Q.** So what happened after she suggested that you go to
 18 the party?
 19 **A. We went.**
 01:26PM 20 **Q.** What kind of vehicle was she driving?
 21 **A. A Volvo.**
 22 **Q.** Was it taken by the police that night?
 23 **A. Yes, it was.**
 24 **Q.** Okay. Where did you park once you arrived at the
 01:27PM 25 Contemporary Art Institute of Detroit in the city
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19

1 **Q.** What kind of shoes are those?
 2 **A. Designer shoes.**
 3 **Q.** Okay. I'm not really asking you what brand they
 4 are, I'm really asking you like are they gym shoes,
 01:26PM 5 are they loafers, like what kind of shoes?
 6 **A. No, they were more casual type of shoes. I don't**
 7 **know exactly what you'd call them.**
 8 **Q.** When you entered the Contemporary Art Institute of
 9 Detroit was there anyone standing at the door
 01:29PM 10 taking money?
 11 **A. A couple of people.**
 12 **Q.** And they took your money?
 13 **A. Yes.**
 14 **Q.** And you believe it was \$2?
 01:29PM 15 **A. I'm not exactly sure but I believe it was.**
 16 **Q.** Did they check your identification?
 17 **A. Yes.**
 18 **Q.** Okay. What kind of identification did you have?
 19 **A. I believe it was my state identification.**
 01:29PM 20 **Q.** Did they give you anything indicating that you were
 21 over 21?
 22 **A. I believe I got a wristband. I'm not 100 percent**
 23 **sure but I think it was a wristband, it was**
 24 **something of that nature.**
 01:29PM 25 **Q.** Did Joy get anything? Did she get a wristband?
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18

1 of Detroit?
 2 **A. She parked on Rosa Parks.**
 3 **Q.** How far from the building?
 4 **A. Guesstimate, 75 feet maybe.**
 01:27PM 5 **Q.** Then what happened?
 6 **A. And then we went in.**
 7 **Q.** Was there a line?
 8 **A. Not outside the building but right inside the door.**
 9 **Q.** Did you talk to anyone outside the building?
 01:27PM 10 **A. No.**
 11 **Q.** Was the area well lit going into the building?
 12 **A. Point of view?**
 13 **Q.** Was there lighting?
 14 **A. Small.**
 01:27PM 15 **Q.** So what happened after you entered the building?
 16 **A. Listened to some music for a while.**
 17 **Q.** How were you dressed?
 18 **A. Nice jeans, nice shirt, nice shoes, pretty**
 19 **expensive stuff.**
 01:28PM 20 **Q.** What color was your shirt?
 21 **A. White. White with stripes.**
 22 **Q.** White with stripes?
 23 **A. Yes.**
 24 **Q.** What kind of shoes did you have on?
 01:28PM 25 **A. I think I had on my DKNY.**
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1 **A. I don't recall.**
 2 **Q.** Once you entered the Contemporary Art Institute of
 3 Detroit did you see anyone selling alcohol?
 4 **A. No.**
 01:30PM 5 **Q.** Or intoxicating liquor?
 6 **A. Not that I remember.**
 7 **Q.** Did you see anyone selling food?
 8 **A. No, I didn't see anyone selling food.**
 9 **Q.** Did you see anyone selling anything?
 01:30PM 10 **A. No.**
 11 **Q.** Did you see anyone in possession of any
 12 intoxicating liquor or beer or anything like that?
 13 **A. Yeah, I saw a couple people with beer.**
 14 **Q.** Were they bottles of beer or cups?
 01:30PM 15 **A. Cups.**
 16 **Q.** What time did you enter the Contemporary Art
 17 Institute of Detroit?
 18 **A. Around 12:30.**
 19 **Q.** Is it fair to say you were there approximately an
 01:31PM 20 hour and 45 minutes to two hours before the Detroit
 21 police officers came into the building?
 22 **A. That would be a decent time-frame.**
 23 **Q.** During that time-frame did you see any use of drugs
 24 inside the Contemporary Art Institute of Detroit?
 01:31PM 25 **A. No.**
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<p style="text-align: center;">21</p> <p>1 MS. JAMES: Objection as to</p> <p>2 foundation.</p> <p>3 BY MR. ASHFORD:</p> <p>4 Q. During that time-frame, that being an hour 45</p> <p>01:31PM 5 minutes to two hours that you were inside the</p> <p>6 C.A.I.D., did you see anyone without a wristband on</p> <p>7 who was drinking any intoxicating liquor?</p> <p>8 A. No.</p> <p>9 Q. Did you see anyone selling any intoxicating liquor</p> <p>01:32PM 10 during the entire time period that you were inside</p> <p>11 the C.A.I.D.?</p> <p>12 MS. JAMES: Objection as to form.</p> <p>13 He's already answered that.</p> <p>14 THE WITNESS: No.</p> <p>01:32PM 15 BY MR. ASHFORD:</p> <p>16 Q. What did you do after you entered the Contemporary</p> <p>17 Art Institute of Detroit?</p> <p>18 A. We listened to music for a while.</p> <p>19 Q. Did you just stand at the door and listen to music?</p> <p>01:32PM 20 A. No, we stood around the DJ booth and dance floor</p> <p>21 area.</p> <p>22 Q. My understanding is when you walk in and make a</p> <p>23 left there's a back room with a DJ in it, is that</p> <p>24 true?</p> <p>01:33PM 25 A. Seems to be correct, yes.</p> <p style="text-align: center;">RELiance COURT REPORTING (313) 964-3611</p>	<p style="text-align: center;">22</p> <p>1 Q. So you came inside the building, you made a left,</p> <p>2 you and Joy, and you walked to the back room?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Did you stop anywhere on your way to this</p> <p>01:33PM 5 room?</p> <p>6 A. No, we proceeded straight to the DJ area.</p> <p>7 Q. Okay. Was the DJ playing music?</p> <p>8 A. Yes, he was.</p> <p>9 Q. Were people dancing?</p> <p>01:33PM 10 A. A couple.</p> <p>11 Q. Did you dance at all?</p> <p>12 A. A little.</p> <p>13 Q. How long were you in that room would you say,</p> <p>14 approximately?</p> <p>01:33PM 15 A. Fifteen, maybe 20 minutes.</p> <p>16 Q. And then what did you do?</p> <p>17 A. We exited the building to the courtyard.</p> <p>18 Q. Then what happened?</p> <p>19 A. Sat in the courtyard.</p> <p>01:34PM 20 Q. Okay. And is that where you were until the Detroit</p> <p>21 police officers came into the building?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. So tell me about that, what happened when</p> <p>24 the Detroit police officers came into the building?</p> <p>01:34PM 25 A. I don't know about when they came into the building</p> <p style="text-align: center;">RELiance COURT REPORTING (313) 964-3611</p>
<p style="text-align: center;">23</p> <p>1 because I was out in the courtyard but they exited</p> <p>2 the building, we didn't know they were police, they</p> <p>3 had black on, shotguns with lights attached to them</p> <p>4 so you really couldn't see.</p> <p>01:34PM 5 Q. Now you're saying that when they exited the</p> <p>6 building, you mean into the courtyard?</p> <p>7 A. Yes. Made everybody lay on the ground.</p> <p>8 Q. And this courtyard was a fenced in area?</p> <p>9 A. Correct.</p> <p>01:34PM 10 Q. When the police officers came out into the</p> <p>11 courtyard did they announce that they were police</p> <p>12 officers?</p> <p>13 A. Not that I could hear.</p> <p>14 Q. Was there a lot of shouting going on?</p> <p>01:35PM 15 A. It was a lot of shouting going on.</p> <p>16 Q. How were the police officers dressed?</p> <p>17 A. Black ski masks, black uniforms, black boots, black</p> <p>18 gloves. You couldn't see anything but just their</p> <p>19 eyes.</p> <p>01:35PM 20 Q. And so their entire faces were not obscured?</p> <p>21 A. All but their eyes.</p> <p>22 Q. Okay. Were their foreheads obscured?</p> <p>23 A. Yes, their foreheads were covered with the mask.</p> <p>24 Q. So you could not see any of their face?</p> <p>01:35PM 25 A. Except their eyes.</p> <p style="text-align: center;">RELiance COURT REPORTING (313) 964-3611</p>	<p style="text-align: center;">24</p> <p>1 Q. Did any of the uniforms they were wearing have the</p> <p>2 word "police" emblazoned across the chest or the</p> <p>3 back?</p> <p>4 A. It was difficult to see because they had</p> <p>01:36PM 5 flashlights attached to a shotgun which was</p> <p>6 promptly stuck right in front of your face so it</p> <p>7 was difficult to see but I didn't see anything</p> <p>8 initially that said police.</p> <p>9 Q. And did you hear the police officers shouting to</p> <p>01:36PM 10 get to the ground?</p> <p>11 A. I heard them yelling to people to lay on the</p> <p>12 ground, yes.</p> <p>13 Q. Okay. Did they tell you to lay on the ground?</p> <p>14 A. Yes.</p> <p>01:36PM 15 Q. Okay. Did you lay on the ground?</p> <p>16 A. Not initially.</p> <p>17 Q. Why not?</p> <p>18 A. Because I didn't know who they were.</p> <p>19 Q. Okay. They were armed with guns, right?</p> <p>01:36PM 20 A. With shotguns, yes.</p> <p>21 Q. So why didn't you follow the directions of somebody</p> <p>22 who was armed with a shotgun telling you to get</p> <p>23 down on the ground?</p> <p>24 A. I didn't know I had to.</p> <p>01:37PM 25 Q. Okay, then what happened?</p> <p style="text-align: center;">RELiance COURT REPORTING (313) 964-3611</p>

25

1 A. Then people that didn't move fast enough they then
2 threw them in the ground. Throwing them in the mud
3 actually, the ground was quite muddy.
4 Q. Then what happened?
01:37PM 5 A. Then certain people that wouldn't move fast enough
6 they got thrown in the mud.
7 Q. Okay. What happened with you?
8 A. I was -- they told me to lay in the mud and I had
9 on good clothes so I didn't move fast enough so
01:37PM 10 they threw me in the mud.
11 Q. When you say they, who are they?
12 A. Some of the Detroit Police, I don't know who they
13 were.
14 Q. You couldn't identify any of the police officers
01:37PM 15 that threw you into the mud?
16 A. No, they had on masks so I couldn't identify them.
17 Q. You couldn't see a badge or anything like that?
18 A. No, they didn't have badges out.
19 Q. Then what happened?
01:38PM 20 A. Then I observed them stomped and punched a few
21 people, handcuffed two people that I know of and
22 they pretty much proceeded to search everyone while
23 they were on the ground in the mud. Push you in
24 the mud, put a knee in your back and search you
01:38PM 25 repeatedly.

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1 Q. Okay, then what happened?
2 A. And then we stayed like that for a good amount of
3 time, I'm not exactly sure how long, maybe in
4 excess of an hour.
01:38PM 5 Q. Then what happened?
6 A. At a certain point my knees began to hurt then I
7 uncrossed my legs and a police officer walked over,
8 kicked me in the legs and told me to cross my legs
9 back again, and that happened with various people
01:40PM 10 at different times.
11 Q. Okay. Can you recognize any of these other
12 individuals that were kicked or hit by the Detroit
13 police officers?
14 A. Two that I remember for sure out in the courtyard
01:40PM 15 that was, they caught a good deal of the kicking
16 and things.
17 Q. Can you describe these individuals?
18 A. One was a white male, he said that he was an
19 attorney.
01:40PM 20 Q. What happened to him?
21 A. They beat him up.
22 Q. How did they beat him up?
23 A. That threw him to the ground, stomped him, you
24 know, a few punches then they handcuffed.
01:40PM 25 Q. Did they hit him in the face?

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1 Q. And then what happened?
2 A. After several times of being searched and face
3 pushed in the mud and things of that nature then
4 eventually we were brought into the building.
01:38PM 5 Q. Okay, did anyone kick you?
6 A. Yes.
7 Q. Who kicked you?
8 A. It was one of the Detroit Police. They would come
9 past, put their knee in your back, search you, step
01:38PM 10 on you. I was kicked actually later but during the
11 incident when we were outside I was searched
12 repeatedly, face pushed in the mud, knees placed in
13 my back while they searched me multiple times by
14 different officers.
01:38PM 15 Q. And eventually they brought you inside the
16 building?
17 A. Yes.
18 Q. Okay. Then what happened?
19 A. They placed us facing the wall on our hands -- I
01:39PM 20 mean on our knees with our hands behind our head,
21 fingers interlocked and you had to cross your
22 ankles and they made everybody line up in rows with
23 your knees touching the person's feet in front of
24 you and they lined you up in rows like that facing
01:39PM 25 the wall.

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1 A. Not that I saw but I saw him get hit in his back.
2 Q. Did they kick him?
3 A. Yes.
4 Q. Since this incident have you spoken to this person?
01:41PM 5 A. Not personally but I've been in the same room with
6 him since then once.
7 Q. Where?
8 A. Here.
9 Q. At your attorney's office?
01:41PM 10 A. Yes.
11 Q. What other person do you remember being assaulted?
12 A. I'm not sure but I believe his name is Jason. When
13 the police came in he didn't lie on the ground, he
14 asked to see their badges repeatedly and then they
01:41PM 15 threw him to the ground and began kicking and
16 stomping him and then placed him in handcuffs.
17 Q. Have you seen Jason since the incident of May 31,
18 2008?
19 A. At the same day that I have seen the other
01:42PM 20 gentleman.
21 Q. At your attorney's office, correct?
22 A. Yes.
23 Q. Did you personally discuss your case or the
24 incident of May 31, 2008 with Jason?
01:42PM 25

MS. JAMES: Objection, I would
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1 advise that any conversations that took place in
2 this office are protected by attorney-client
3 privilege.
4 MR. ASHFORD: Well, I'm not asking
01:42:PM 5 him for any communication between yourself and him,
6 I'm asking for communication between him and Jason.
7 MS. JAMES: But as co-plaintiffs in
8 this lawsuit, if there was communication in the
9 context of a meeting with their attorneys I believe
01:42:PM 10 that may be a privileged communication.
11 MR. ASHFORD: So are you instructing
12 him not to answer?
13 MS. JAMES: Yeah.
14 BY MR. ASHFORD:
01:43:PM 15 Q. And I have the same question for the attorney that
16 you also saw here, did you have any -- did you
17 discuss what happened to you personally concerning
18 the incident alleged in your Complaint the last
19 time you saw him?
01:43:PM 20 MS. JAMES: I would have the same
21 objection and the same instruction but I think,
22 Jerry, that it would be fair to ask him if they had
23 any personal communications that attorneys were not
24 present, if they spoke to one another.

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1 BY MR. ASHFORD:
2 Q. Have you ever spoke to this white male attorney
3 outside the presence of your attorney?
4 A. No.
01:43:PM 5 Q. Have you ever spoken to Jason outside the presence
6 of your attorney?
7 A. No.
8 MR. ASHFORD: And you're instructing
9 him not to answer whether he spoke to this white
01:44:PM 10 male attorney or Jason in the presence of
11 attorneys, correct?
12 MS. JAMES: Can we go off the record
13 for a second?
14 MR. ASHFORD: Sure.
01:44:PM 15 (Discussion held off the
16 record.)
17 MS. JAMES: Back on the record.
18 I've advised Mr. Ashford and Mr. Washington that
19 Mr. Washington can answer yes or no whether or not
01:45:PM 20 he's personally spoke to the two people who he has
21 described, the white male attorney and Jason, just
22 a yes or no as to whether or not he has personally
23 spoken to them; however, I do object and advise him
24 not to answer as to the substance of those
01:45:PM 25 conversations because I believe that would invade

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1 the attorney-client privilege.
2 BY MR. ASHFORD:
3 Q. Mr. Washington, did you speak to Jason on the last
4 date you saw him?
01:45:PM 5 A. Yes.
6 Q. Did you personally speak with this white male
7 attorney that you described to me on the last date
8 you saw him?
9 A. Yes.
01:46:PM 10 Q. Inside the Contemporary Art Institute of Detroit
11 did you -- strike that.
12 Inside the Contemporary Art
13 Institute of Detroit can you identify anyone who
14 was kicked or punched or otherwise assaulted by
01:46:PM 15 Detroit police officers?
16 A. Not to my recollection.
17 Q. Okay, you stated that you were kicked when you were
18 inside the building, correct?
19 A. Yes.
01:46:PM 20 Q. Okay, and what happened as a result of you being
21 kicked?
22 A. I didn't need medical attention but there was pain
23 of course and pain from his boot hitting my leg and
24 pain from kneeling on a hard wood floor for so
01:47:PM 25 long.

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1 Q. Okay. Then what happened?
2 A. Then we were individually called up and given a
3 ticket I believe it was. Our property was taken
4 and they pretty much gave us the ticket.
01:47:PM 5 Q. Then what happened?
6 A. Then we were sent back to where we were until they
7 finished and decided to release us.
8 Q. Did you get your property back?
9 A. Yes.
01:47:PM 10 Q. What time did you get out?
11 A. Around 5 a.m., I'm not exactly sure of the time.
12 It was around five.
13 Q. When you entered into the Contemporary Art
14 Institute of Detroit did you see a liquor license?
01:48:PM 15 MS. JAMES: Objection as to
16 foundation.
17 THE WITNESS: I didn't look.
18 BY MR. ASHFORD:
19 Q. Okay. Why not?
01:48:PM 20 A. Because I didn't see it as a neighborhood club or
21 bar or something of that nature so I wasn't -- I
22 didn't take it it was my responsibility to look.
23 Q. Did you know if on May 31, 2008, if the
24 Contemporary Art Institute of Detroit had a state
01:48:PM 25 of Michigan liquor license?

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1 A. **I wouldn't have any idea about that.**
 2 Q. When you entered into the Contemporary Art
 3 Institute of Detroit on May 31st of 2008 -- off the
 4 record for a minute.
 5 (Discussion held off the
 6 record.)
 7 MR. ASHFORD: Back on the record.
 8 BY MR. ASHFORD:
 9 Q. On May 31, 2008 when you entered into the
 10 Contemporary Art Institute of Detroit did you see a
 11 dance permit issued by the city of Detroit?
 12 MS. JAMES: Objection as to
 13 foundation.
 14 THE WITNESS: No, I didn't see one,
 15 I didn't look.
 16 BY MR. ASHFORD:
 17 Q. Do you know if the Contemporary Art Institute of
 18 Detroit had a city of Detroit dance permit?
 19 A. **I wouldn't have had any idea, it was my first time**
 20 **there.**
 21 Q. On May 31, 2008 when you entered into the
 22 Contemporary Art Institute of Detroit did you see a
 23 city of Detroit business license?
 24 MS. JAMES: Objection, lack of
 25 foundation.
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1 THE WITNESS: I didn't look,
 2 wouldn't have known if they had one or not.
 3 BY MR. ASHFORD:
 4 Q. Did you ever appear in court on that ticket that
 5 you received?
 6 A. **Yes.**
 7 Q. Who represented you?
 8 A. **The ACLU of Michigan.**
 9 Q. How many times did you go to court?
 10 A. **I believe it was once.**
 11 Q. 36th District Court?
 12 A. **Yes.**
 13 Q. What kind of proceeding did you appear at?
 14 A. **I think it was arraignment, I'm not exactly sure.**
 15 **I'm not an attorney but I think it was arraignment**
 16 **on the ticket.**
 17 Q. They told you what the charges were?
 18 A. **Yes.**
 19 Q. And advised you of your rights?
 20 MS. JAMES: Objection as to
 21 foundation.
 22 BY MR. ASHFORD:
 23 Q. You signed the Advice of Rights form?
 24 A. **I did.**
 25 Q. And the judge told you about any penalties that
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1 could result from the charge, correct?
 2 A. **That I don't exactly remember. I just was advised**
 3 **as to what they were charging me with and to come**
 4 **back.**
 5 Q. But you never had to go back?
 6 A. **No.**
 7 Q. Why not?
 8 A. **Because the ticket was dismissed.**
 9 Q. From your understanding, could the city of Detroit
 10 reinstate the charges against you if it wanted to?
 11 MS. JAMES: Objection as to
 12 foundation.
 13 THE WITNESS: I wouldn't know.
 14 BY MR. ASHFORD:
 15 Q. So since that day besides speaking with your
 16 attorneys here today you haven't had anything to do
 17 with the incident alleged in your Complaint, is
 18 that true?
 19 A. **What exactly do you mean?**
 20 Q. Well, have you had any -- you didn't have a vehicle
 21 to recover, right?
 22 A. **No, I didn't.**
 23 Q. Did you ever go back to the Contemporary Art
 24 Institute of Detroit?
 25 A. **No, I haven't been back since.**
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1 Q. So besides speaking with your attorneys you have
 2 not had anything else, taken any other action
 3 related to the incident that occurred on May 31,
 4 2008, correct?
 5 A. **Correct.**
 6 Q. You haven't filed any complaints with the state of
 7 Michigan or any type of governmental agency
 8 concerning the police action on May 31, 2008?
 9 A. **No, I haven't.**
 10 Q. Did you file a citizen's complaint with the Detroit
 11 Police Department?
 12 MS. JAMES: Objection as to form,
 13 THE WITNESS: I didn't file anything
 14 with the Detroit Police Department.
 15 BY MR. ASHFORD:
 16 Q. Why not?
 17 A. **Because the ACLU and our attorneys were on it. Can**
 18 **I take a break?**
 19 (Recess taken.)
 20 MR. ASHFORD: Back on the record.
 21 BY MR. ASHFORD:
 22 Q. Mr. Washington, did you suffer any physical
 23 injuries as a result of the police action in the
 24 Contemporary Art Institute of Detroit on May 31,
 25 2008?
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1 A. **I didn't need medical attention but there was**
 2 **certainly pain.**
 3 Q. Okay, but did you seek any medical treatment?
 4 A. **No, I didn't seek medical attention from a**
 5 **professional.**
 6 Q. Okay. As a result of the police action that
 7 occurred in the Contemporary Art Institute of
 8 Detroit on May 31st of 2008, have you suffered any
 9 damages that we have not discussed here today?
 10 A. **You mean -- what do you mean damages? Broad**
 11 **statement.**
 12 Q. Well, it's intended to be broad so that you can
 13 tell me anything that you want as far as any
 14 damages or injuries that you suffered or losses
 15 that you suffered from the police action that
 16 occurred in the C.A.I.D. on May 31, 2008.
 17 A. **I have no physical lasting injuries but**
 18 **psychologically I don't go out anymore because I**
 19 **don't know if the police will come in and do the**
 20 **same thing. So I don't really go anywhere anymore.**
 21 **Night life I mean. I don't go anywhere in the**
 22 **evening or at night to events.**
 23 Q. Okay. Is that just in the city of Detroit or
 24 anywhere?
 25 A. **Yeah, that's pretty much here in Detroit.**
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1 Q. Okay, so you still will have a night life outside
 2 of the city of Detroit?
 3 A. **Perhaps. There's always wondering if the same**
 4 **thing will happen perhaps in any other city.**
 5 Q. So during the last -- this incident occurred about
 6 two years ago, right?
 7 A. **Around it.**
 8 Q. What has your night life been like since then?
 9 A. **I haven't had one, I rather stay home and read a**
 10 **book or something.**
 11 Q. Any other damages or injuries stemming from this
 12 incident alleged in your Complaint that occurred to
 13 you that we have not discussed here today?
 14 A. **No.**
 15 MR. ASHFORD: I have nothing
 16 further.
 17 CROSS EXAMINATION
 18 BY MS. JAMES:
 19 Q. Mr. Washington, I believe you testified earlier
 20 that when the police arrived at the C.A.I.D. there
 21 was a lot of shouting. Can you tell me who was
 22 shouting?
 23 A. **The police were shouting, yelling and cussing for**
 24 **people to get on the ground.**
 25 Q. Do you recall whether any civilians were shouting?
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1 A. **Not to my recollection but it was only the police.**
 2 Q. When you described earlier in your testimony
 3 certain actions or interactions that you observed
 4 out on the patio or inside the C.A.I.D., were you
 5 testifying as to what you personally observed that
 6 night and what you remember from that night?
 7 A. **Only what I observed and what I have from memory**
 8 **that night.**
 9 Q. While you were at the C.A.I.D. how many times were
 10 you searched?
 11 A. **Maps in excess of five or six.**
 12 Q. And how many times were you called up by an
 13 officer?
 14 A. **Perhaps three or four times to do their duty, maybe**
 15 **three or four times.**
 16 Q. Do you know whether or not you were actually
 17 ticketed more than once?
 18 A. **I wouldn't know, they were I guess trying to find**
 19 **out -- they were asking each other who wanted court**
 20 **time and who wanted to be a part of it I guess so**
 21 **they were, they kept calling us up there to do**
 22 **their own paperwork and their own thing so I don't**
 23 **know if I was ticketed more than once or by whom**
 24 **exactly.**
 25 MS. JAMES: Okay. I don't think I
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1 have anything else.
 2 MR. ASHFORD: I have nothing
 3 further. Thank you, Mr. Washington.
 4 THE WITNESS: Thank you.
 5 (Deposition concluded at
 6 2:02 p.m.)
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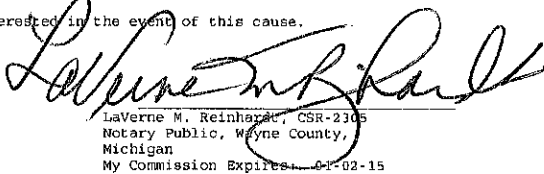
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CERTIFICATE OF NOTARY

STATE OF MICHIGAN)
) SS
 COUNTY OF WAYNE)

I, LaVerne M. Reinhardt, CSR, Notary Public in
 and for the above county and state, do hereby certify
 that the deposition of JAMES WASHINGTON, was taken
 before me at the time and place hereinbefore set forth,
 that the witness was duly sworn to testify to the truth,
 the whole truth and nothing but the truth, that
 thereupon the foregoing questions were asked and
 foregoing answers were made by the witness which were
 duly recorded by me stenographically and later reduced
 to computer transcription; and I certify that this is a
 true and correct transcript of my stenographic notes so
 taken.

I further certify that the signature was
 waived by counsel for the respective parties hereto;
 also, that I am not of counsel to either party nor
 interested in the event of this cause.


 LaVerne M. Reinhardt, CSR-2305
 Notary Public, Wayne County,
 Michigan
 My Commission Expires 01-02-15

RELIANCE COURT REPORTING
 (313) 964-3611

EXHIBIT 15

<p style="text-align: center;">1</p> <p>1 UNITED STATES DISTRICT COURT</p> <p>2 EASTERN DISTRICT OF MICHIGAN</p> <p>3 SOUTHERN DIVISION</p> <p>4 IAN MOBLEY, KIMBERLY MOBLEY,</p> <p>5 PAUL KAISER, ANGIE WONG,</p> <p>6 JAMES WASHINGTON, NATHANIEL</p> <p>7 PRICE, JEROME PRICE, STEPHANIE</p> <p>8 HOLLANDER, JASON LEVERETTE-</p> <p>9 SAUNDERS, WANDA LEVERETTE-</p> <p>10 DARLENE HELLENBERG, THOMAS</p> <p>11 MAHLER, and LAURA MAHLER,</p> <p>12</p> <p>13 Plaintiffs,</p> <p>14 vs. USDC Case No. 10-10675</p> <p>15 Hon. Victoria A. Roberts</p> <p>16 CITY OF DETROIT, VICKI YOST,</p> <p>17 and DANIEL BUGLO,</p> <p>18</p> <p>19 Defendants.</p> <p>20</p> <p>21 The deposition of NATHANIEL</p> <p>22 PRICE taken in the above-entitled matter before</p> <p>23 Reporter Deborah LaCroix, (CSR-1454), Notary Public</p> <p>24 in and for the County of Wayne, State of Michigan,</p> <p>25 at 1394 E. Jefferson Avenue, Detroit, Michigan, on</p> <p>Tuesday, November 23, 2010, commencing at or near</p> <p>the hour of 1:00 p.m.</p> <p>RELIANCE COURT REPORTING</p> <p>(313) 964-3611</p>	<p style="text-align: center;">3</p> <p>1 I N D E X</p> <p>2 WITNESS PAGE</p> <p>3 NATHANIEL PRICE</p> <p>4</p> <p>5 Examination by Mr. Ashford 5</p> <p>6 Examination by Ms. James 30</p> <p>7</p> <p>8</p> <p>9 E X H I B I T S</p> <p>10 MARKED</p> <p>11 None offered</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>RELIANCE COURT REPORTING</p> <p>(313) 964-3611</p>
<p style="text-align: center;">2</p> <p>1 APPEARANCES:</p> <p>2 DANIEL S. KOROBKIN (P-72842)</p> <p>3 American Civil Liberties Union</p> <p>4 Fund of Michigan</p> <p>5 2966 Woodward Avenue</p> <p>6 Detroit, Michigan 48201</p> <p>7 (313) 578-6824</p> <p>8 Appearing on behalf of Plaintiffs.</p> <p>9</p> <p>10 KATHRYN BRUNER JAMES (P-71374)</p> <p>11 Cooperating Attorneys, American</p> <p>12 Civil Liberties Union Fund of</p> <p>13 Michigan</p> <p>14 Goodman & Hurwitz, P.C.</p> <p>15 1394 E. Jefferson Avenue</p> <p>16 Detroit, Michigan 48207</p> <p>17 (313) 567-6170</p> <p>18 Appearing on behalf of Plaintiffs.</p> <p>19</p> <p>20 JERRY L. ASHFORD (P-47402)</p> <p>21 City of Detroit Law Department</p> <p>22 660 Woodward Avenue</p> <p>23 1650 First National Building</p> <p>24 Detroit, Michigan 48226</p> <p>25 (313) 237-3089</p> <p>Appearing on behalf of Defendants.</p> <p>RELIANCE COURT REPORTING</p> <p>(313) 964-3611</p>	<p style="text-align: center;">4</p> <p>1 November 23, 2010</p> <p>2 Detroit, Michigan</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7 NATHANIEL PRICE,</p> <p>8 was thereupon called as a witness herein and after</p> <p>9 having been duly sworn to testify to the truth, the</p> <p>10 whole truth and nothing but the truth, was examined</p> <p>11 and testified as follows:</p> <p>12 MR. ASHFORD: Let the record reflect that</p> <p>13 this is the deposition of Nathaniel Price taken</p> <p>14 pursuant to the Federal Rules of Civil Procedure to be</p> <p>15 used for any and all purposes allowed under those</p> <p>16 rules. Notice to all parties.</p> <p>17 Good afternoon, Mr. Price. My name is</p> <p>18 Jerry Ashford. I represent the City of Detroit and</p> <p>19 police officers in this lawsuit.</p> <p>20 Have you ever given any type of court</p> <p>21 testimony?</p> <p>22 THE WITNESS: No.</p> <p>23 MR. ASHFORD: You've probably seen people</p> <p>24 give testimony on television. And similar to that, we</p> <p>25 have a court reporter that's sitting to my left; your</p> <p>RELIANCE COURT REPORTING</p> <p>(313) 964-3611</p>

<p style="text-align: center;">5</p> <p>1 right. She is taking down everything that we say. So</p> <p>2 I need verbal answers to my questions. Try not to</p> <p>3 give me head shakes or nods or ah-hah, uh-uh because</p> <p>she can't take down that kind of stuff. Okay?</p> <p>THE WITNESS: Okay.</p> <p>MR. ASHFORD: Also, if I ask you any kind</p> <p>of question and you don't understand, please let me</p> <p>know. I will try to rephrase it until hopefully you</p> <p>do understand.</p> <p>THE WITNESS: Okay.</p> <p style="text-align: center;">EXAMINATION</p> <p>BY MR. ASHFORD:</p> <p>Q Will you please state your full name.</p> <p>A Nathaniel James Price.</p> <p>Q And how old are you?</p> <p>A 23.</p> <p>Q What's your date of birth?</p> <p>A September 6, 1987.</p> <p>Q What is your current address?</p> <p>A 604 West Lewiston, Ferndale, Michigan.</p> <p>Q How long have you lived there?</p> <p>A My whole life.</p> <p>Q You live with your parents?</p> <p>A Yes.</p> <p>Q Were you living there with your parents on the date</p> <p style="text-align: center;">RELiance COURT REPORTING (313) 964-3611</p>	<p style="text-align: center;">7</p> <p>1 A Bachelor's and Master's in occupational therapy.</p> <p>2 Q How much further have you to go to get those</p> <p>3 degrees?</p> <p>4 A Three years.</p> <p>5 Q Besides Wayne State University do you have any other</p> <p>6 educational degrees or certifications or anything</p> <p>7 like that?</p> <p>8 A No.</p> <p>9 Q Did you ever attend any other college?</p> <p>10 A I went to Wayne County Community College.</p> <p>11 Q What did you study there?</p> <p>12 A I took EMT. I was going into firefighting then.</p> <p>13 And physical therapy related classes.</p> <p>14 Q How long did you attend Wayne County Community</p> <p>15 College?</p> <p>16 A Two or three semesters.</p> <p>17 Q Then you transferred to Wayne?</p> <p>18 A Yes.</p> <p>19 Q You're not employed?</p> <p>20 A Yes I am.</p> <p>21 Q Where are you employed?</p> <p>22 A Zuma Coffee House in Birmingham.</p> <p>23 Q Mr. Price, please don't be offended. I ask everyone</p> <p>24 the same question.</p> <p>25 Have you ever been arrested before?</p> <p style="text-align: center;">RELiance COURT REPORTING (313) 964-3611</p>
<p style="text-align: center;">6</p> <p>1 of May 31, 2008?</p> <p>2 A Yes.</p> <p>3 Q Why did you hesitate?</p> <p>4 A Because I was forgetting if I was in the dorms or</p> <p>5 not then. I lived in there for two semesters.</p> <p>6 Q You've lived with your parents all your life except</p> <p>7 for when you were in college?</p> <p>8 A Yeah. For part of college.</p> <p>9 Q What is your Social Security number?</p> <p>10 A 368 11 7589.</p> <p>11 Q Did you graduate from high school?</p> <p>12 A Yes.</p> <p>13 Q What high school?</p> <p>14 A Ferndale High School.</p> <p>15 Q What year?</p> <p>16 A 2006.</p> <p>17 Q Did you attend college?</p> <p>18 A Yes.</p> <p>19 Q What college?</p> <p>20 A Wayne State University.</p> <p>21 Q Did you graduate from Wayne State University?</p> <p>22 A No.</p> <p>23 Q Are you still attending Wayne State University?</p> <p>24 A Yes.</p> <p>25 Q Are you currently pursuing a Bachelor's degree?</p> <p style="text-align: center;">RELiance COURT REPORTING (313) 964-3611</p>	<p style="text-align: center;">8</p> <p>1 MS. JAMES: Objection. Relevance.</p> <p>2 THE WITNESS: No.</p> <p>3 BY MR. ASHFORD:</p> <p>4 Q Have you ever been convicted of any crime?</p> <p>5 A No.</p> <p>6 MR. ASHFORD: I will give you a standing</p> <p>7 objection.</p> <p>8 MS. JAMES: Thank you.</p> <p>9 BY MR. ASHFORD:</p> <p>10 Q Have you ever been treated for substance abuse?</p> <p>11 A No.</p> <p>12 Q Have you ever been treated for any kind of</p> <p>13 psychiatric illness or condition?</p> <p>14 A I am on antianxiety medication.</p> <p>15 Q How long have you been on antianxiety medication?</p> <p>16 A For about the last 6 months.</p> <p>17 Q Who prescribed that medication?</p> <p>18 A Leonard Rosen.</p> <p>19 Q Is he a psychiatrist?</p> <p>20 A Yes.</p> <p>21 Q Where is his office?</p> <p>22 A I'm pretty sure Farmington.</p> <p>23 Q When was the last time you saw him?</p> <p>24 A About two weeks ago.</p> <p>25 Q Do you see him for any other reason besides anxiety?</p> <p style="text-align: center;">RELiance COURT REPORTING (313) 964-3611</p>

9

1 **A No.**

2 **Q** Can you describe what type of anxiety you have?

3 **MS. JAMES:** Objection as to form. I'm not quite sure what you mean.

4 **BY MR. ASHFORD:**

5 **Q** Well, if you understand what I mean. Do you understand what I mean?

6 **A Can you say it again?**

7 **Q** Well, generally anxiety is fear of the unknown.

8 Can you tell me what kind of anxiety you have? Is there a certain fear of something or are you anxious about certain things?

9 **A Mostly social issues. Just being nervous in too many situations where I shouldn't be.**

10 **Q** Does your anxiety condition have anything to do with the incident that occurred on May 31, 2008?

11 **A No.**

12 **Q** During your lifetime have you ever had any other kind of psychiatric issues besides anxiety?

13 **A No.**

14 **Q** Have you ever been a member of the Contemporary Art Institute of Detroit?

15 **A No.**

16 **Q** On May 31, 2008 you attended funk night at the Contemporary Art Institute of Detroit?

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1 **A Yes.**

2 **Q** You didn't sign up to be a member on that date?

3 **A No.**

4 **Q** Did you pay a \$5 fee to get in?

5 **A No.**

6 **Q** How did you get in?

7 That's a bad question. Strike that.

8 Did you pay any fee to get into the

9 Contemporary Art Institute of Detroit on May 31, 2008?

10 **A No.**

11 **Q** Prior to May 31, 2008 had you ever visited the Contemporary Art Institute of Detroit or the CAID's website?

12 **A Yes.**

13 **Q** Why?

14 **A To go to prior funk nights. And the website to find the dates.**

15 **Q** When did you first attend your first funk night, approximately? Month? Year?

16 Let's try this.

17 **A Not sure.**

18 **Q** How many times had you attended funk night before May 31, 2008?

19 **A Four or five.**

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1 **Q** You attended those parties over how long of a time period?

2 **A One to two years.**

3 **Q** During the four or five times that you attended funk night before May 31, 2008 did you ever pay a fee to get in?

4 **A No.**

5 **Q** Was your identification checked at the door?

6 **A Yes.**

7 **Q** Every time or only a couple of times? How often was it checked of the four or five times that you attended the funk night?

8 **A I'm pretty sure every time.**

9 **Q** During the four or five times that you attended did you ever fill out any type of membership application?

10 **A No.**

11 **Q** During the four or five times that you attended funk night prior to May 31, 2008 did you ever observe any guns or weapons inside the CAID?

12 **A No.**

13 **Q** Did you ever observe or recognize any unlawful narcotics inside the CAID during the four or five times you attended funk night prior to May 31, 2008?

14 **A No.**

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1 **MS. JAMES: Objection as to foundation.**

2 **BY MR. ASHFORD:**

3 **Q** Before May 31, 2008 during the four or five times that you attended funk night parties were you ever served alcohol?

4 **MS. JAMES:** Objection. It's the same issue that I just discussed with you yesterday. Nathaniel was under 21 on May 31 and obviously before then. So with respect to any purchased, possession or consumption of alcohol other than May 31, 2008, I'm going to advise him to assert a fifth amendment right not to answer the question.

5 **MR. ASHFORD:** Okay, even if it was inside the CAID?

6 **MS. JAMES:** Only with respect to May 31, 2008 inside the CAID is when I will advise him to for that limited location and duration, I will advise him to waive his right for the purposes of this case.

7 But on any prior occasions or any time in your life other than May 31, 2008, I would advise you to assert your fifth amendment right not to answer those questions.

8 **BY MR. ASHFORD:**

9 **Q** Do you wish to assert your fifth amendment right not

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13

- 1 to answer that question?
- 2 **A Yes.**
- 3 **Q** As of May 31, 2008 did you own a computer?
- 4 **A Yes.**
- 5 **Q** What type of computer did you own?
- 6 **A Dell desktop.**
- 7 **Q** Do you still have that computer?
- 8 **A Yes.**
- 9 **Q** Who was your internet provider?
- 10 **A I think AT&T.**
- 11 **Q** Who was your cellular telephone provider?
- 12 **A Sprint.**
- 13 **Q** Did you have a Facebook at the time?
- 14 **A Yes.**
- 15 **Q** Did you ever write about the CAID on your Facebook
- 16 page prior to May 31, 2008?
- 17 **A I think so.**
- 18 **Q** Have you ever written about the incident that
- 19 occurred on May 31, 2008 on your Facebook page?
- 20 **A I think so.**
- 21 **Q** Do you recall what you wrote?
- 22 **A No.**
- 23 **Q** On May 31, 2008 you were driving your father's
- 24 vehicle?
- 25 **A Yes.**

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- 1 **Q** Your father's name is what?
- 2 **A Jerome Price.**
- 3 **Q** What kind of car were you driving?
- 4 **A Silver Saturn.**
- 5 **Q** What year?
- 6 **A 2002.**
- 7 **Q** You drove it to the CAID, correct?
- 8 **A Yes.**
- 9 **Q** From where?
- 10 **A From the Palace of Auburn Hills to my friend's house**
- 11 **to the CAID.**
- 12 **Q** Where were you coming from? What kind of event were
- 13 you coming from?
- 14 **A Pistons playoff game.**
- 15 **Q** While you were at the Pistons playoff game did you
- 16 have any type of intoxicating liquor?
- 17 **MS. JAMES: Objection.**
- 18 **Again, it's the issue that we talked about**
- 19 **a minute ago. I'm only advising him to waive his**
- 20 **right with respect to May 31, 2008 at the CAID.**
- 21 **BY MR. ASHFORD:**
- 22 **Q** Do you wish to follow that advice?
- 23 **A Yes.**
- 24 **Q** Who were you with at that Piston playoff game?
- 25 **A Patrick Dewan.**

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- 1 **Q** Can you spell his last name?
- 2 **A D-e-w-a-n.**
- 3 **Q** How old is Patrick?
- 4 **A How old was he or is he?**
- 5 **Q** How old is he?
- 6 **A 22.**
- 7 **Q** So he's one year younger than you?
- 8 **A Yes.**
- 9 **Q** Were you with anyone else besides Patrick?
- 10 **A No.**
- 11 **Q** Did Patrick have any intoxicating liquor at the
- 12 Pistons playoff game?
- 13 **A No.**
- 14 **Q** When you were driving your father's car on the way
- 15 to the CAID was there anyone else in your vehicle
- 16 besides Patrick?
- 17 **A Yes.**
- 18 **Q** Who else?
- 19 **A Lindsay Umlauf.**
- 20 **Q** Excuse me, what was the last name?
- 21 **A U-m-l-a-u-f.**
- 22 **Q** How old is Lindsay?
- 23 **A 21 or 22.**
- 24 **Q** What was your relationship with Lindsay on the date
- 25 of May 31, 2008?

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- 1 **A Friends from high school.**
- 2 **Q** What was the relationship between Patrick and
- 3 Lindsay on May 31, 2008, as far as you know?
- 4 **A Friends from high school.**
- 5 **Q** Did you stop to pick her up?
- 6 **A Yes.**
- 7 **Q** Where did she live?
- 8 **A In Ferndale on Jewell off of Hilton.**
- 9 **Q** Does Patrick live in Ferndale also?
- 10 **A Oak Park.**
- 11 **Q** You drove from the Palace to Lindsay's house?
- 12 **A Yes.**
- 13 **Q** And you drove from Lindsay's house to the CAID?
- 14 **A Yes.**
- 15 **Q** Whose idea was it to go to the CAID?
- 16 **A Mine.**
- 17 **Q** How long did you spend at Lindsay's house?
- 18 **A No time. She just came out.**
- 19 **Q** Did the Pistons win the playoff game?
- 20 **A I don't think so.**
- 21 **Q** How long did you spend after the Pistons game ended
- 22 at the Palace?
- 23 **A I'm not sure.**
- 24 **Q** Did you spend some time there after the game was
- 25 over?

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- 1 **A Just getting out of the parking.**
- 2 **Q** Of course at the end of a Pistons game is very
- 3 crowded so it takes some time to get out of the parking lot, correct?
- 4 **A Yeah.**
- 5 **Q** When you arrived at the CAID, where did you park?
- 6 **A In the small lot across from the side street that it**
- 7 **was located on. I don't know the name.**
- 8 **Q** It's on Rosa Parks, correct?
- 9 **A Yes.**
- 10 **Q** But there's a side street?
- 11 **A Side street on the other side of the building.**
- 12 **Q** That's where the door to go in is located on that
- 13 side street?
- 14 **A Yes.**
- 15 **Q** So if you park in that lot, are you right across
- 16 from that door?
- 17 **A Yes.**
- 18 **Q** What happened after you parked your vehicle?
- 19 **A We all got out and entered the CAID. And we got in**
- 20 **line to sign up for our CAID membership in order to**
- 21 **get in.**
- 22 **Q** What time did you enter into the CAID?
- 23 **A Shortly after two.**
- 24 **Q** Shortly after two?

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- 1 **A I believe so.**
- 2 **Q** Was there a line to get into the CAID or were you
- 3 able to walk right up to the--
- 4 **A Just a line inside. A short line.**
- 5 **Q** A short line inside the CAID?
- 6 **A Yes.**
- 7 **Q** Were there representatives of the CAID taking money,
- 8 as far as you could tell?
- 9 **A At the table where they're signing up. Not at the**
- 10 **door.**
- 11 **Q** So you walked into the door and there was a table
- 12 that was set up where they were taking money and
- 13 people were signing up for memberships?
- 14 **A Yes.**
- 15 **Q** Did you also notice that they were putting on wrist
- 16 bands?
- 17 **A I believe so.**
- 18 **Q** Did you ever see that?
- 19 **A I don't really remember. I'm not sure.**
- 20 **Q** Did you ever get to the front of the line to that
- 21 table?
- 22 **A No.**
- 23 **Q** So you were standing in line with your two friends?
- 24 **A Yes.**
- 25 **Q** And then what happened?

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- 1 **A And then the police came in the front door charging**
- 2 **in with guns telling everyone to get to the ground.**
- 3 **Q** How do you know they were police?
- 4 **A I didn't know it at the time.**
- 5 **Q** When they were coming through the door did they say
- 6 police?
- 7 **A I don't think so. But I'm not sure.**
- 8 **Q** How were they dressed?
- 9 **A Dark clothing. Other than that, I'm not positive.**
- 10 **Q** Did they have the word police on their uniforms?
- 11 **A I didn't see anything.**
- 12 **Q** Was it dark inside or was it well lit where you were
- 13 standing?
- 14 **A It was well lit.**
- 15 **Q** So then what happened as the police officers were
- 16 coming in?
- 17 **A They walked through the middle of the room saying,**
- 18 **get on the fucking ground. And everyone did that.**
- 19 **I went off to the side, the side wall and dropped**
- 20 **down.**
- 21 **Q** Did you ever go to the bar in the CAID while you
- 22 were there on May 31, 2008?
- 23 **A No.**
- 24 **Q** Did you ever purchase any alcohol on May 31, 2008?
- 25 **A No.**

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- 1 **Q** Did you purchase any food?
- 2 **A No.**
- 3 **Q** It's your testimony you never went anywhere besides
- 4 standing in that line inside the CAID, is that
- 5 correct?
- 6 **A Before they came in, yes.**
- 7 **Q** Before they came in?
- 8 **A Hm-hmm.**
- 9 **Q** Yes?
- 10 **A Yes.**
- 11 **Q** So when the officer or officers instructed you to
- 12 get down, is that what you did?
- 13 **A Yes.**
- 14 **Q** Then what happened?
- 15 **A Then we laid there for an extended period of time.**
- 16 **They were yelling at people. I'm not sure how long**
- 17 **it was.**
- 18 **Q** Then what happened?
- 19 **A Then after awhile they told us to stand up, a couple**
- 20 **at a time. And they brought us guys over to the**
- 21 **other side of the main room. Put us in lines where**
- 22 **they searched us and took our belongings out of our**
- 23 **pockets.**
- 24 **Q** While you were inside the CAID did you ever see any
- 25 physical abuse from the Detroit Police Officers

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- 1 directed to the patrons of the CAID or the staff of
2 the CAID?
3 **A I saw one girl who was kicked in the back to the ground.**
4 **Q** Do you know if that girl was following instructions
5 as they were given to her by Detroit Police
6 Officers?
7 **A I don't know.**
8 **Q** Were you down on the ground at the time you saw this
9 girl kicked in the back?
10 **A I believe so.**
11 **Q** Did you see any verbal abuse directed at the Detroit
12 Police Officers?
13 Strike that. I'm going to ask that
14 question again. I'm not sure I asked it correctly.
15 Did you hear any verbal abuse directed at
16 the Detroit Police Officers?
17 **A I heard what sounded like it could be verbal abuse.**
18 **Q** What did you hear?
19 **A I don't know what they were saying, but talking in what sounded like arguing.**
20 **Q** Did you see any physical abuse directed at the
21 Detroit Police Officers by patrons or staff of the
22 CAID?
23 **A No.**

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- 1 **Q** Were you searched?
2 **A Yes.**
3 **Q** Then what happened after you were searched?
4 **A I gave them my stuff in my pockets and they put it in a plastic bag.**
5 **Q** Then what happened?
6 **A Then after awhile when they were done searching everyone and taking their belongings, the men were brought into the dance room and were told to kneel down with their hands behind their head.**
7 **Q** Then what happened?
8 **A We stayed there for a long time. Until they started calling out people's names to hand out tickets and give us our belongings back.**
9 **Q** You got a ticket for loitering in a place of illegal occupation?
10 **A Yes.**
11 **Q** Then what happened?
12 **A Then I followed one of the officers into the front room where they had set up a table and they asked me if I had drove to the CAID.**
13 **Q** How did you respond?
14 **A I said, yes.**
15 **Q** Then what happened?
16 **A Then they told me to follow an officer out to get my**

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- 1 **car. And they told me that it was going to be towed. And that I should get whatever belongings I want out of it.**
2 **And I asked them how long until I get it back and they said I would get it back on Monday.**
3 **And then he took the keys and took it.**
4 **Q** Nathaniel, while you were in the CAID did any
5 Detroit Police Officer point a gun in your face?
6 **A Yes.**
7 **Q** When did that happen?
8 **A Right at the beginning. I was right in the--**
9 **Q** You were right in the doorway?
10 **A -- almost the middle of the room, yeah, so. Right when they came in, they were just pointing it at me.**
11 **Q** But not you specifically though? Whoever was in the room, right?
12 **A I guess not. They were just pointing forward and I was there.**
13 **Q** When the officers came in, they told you to get down, correct?
14 **A Yes.**
15 **Q** Did you trip before that?
16 **A No.**
17 **Q** You followed their instructions and you just got down on the ground?

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- 1 **A Yes.**
2 **Q** What happened after you retrieved your personal possessions from your vehicle?
3 **A I only took my hats, but then I went and joined my friends on the sidewalk across the street.**
4 **Q** What time was it at this time?
5 **A I'm not sure.**
6 **Q** Then what happened?
7 **A Then I called one of my friends who had been there to try to get a ride home. But their car was full. So I called one of my other friends. And we walked toward Woodward and north a little bit on it before he came and picked us up.**
8 **Q** How far is Woodward from the CAID?
9 **A I don't know. A 15, 20 minutes walk.**
10 **Q** How many blocks, if you know, approximately?
11 **A I don't know how many blocks.**
12 **Q** You don't know?
13 **A No.**
14 **Q** Okay.
15 How far did you walk on Woodward before he picked you up? Time-wise or?
16 **A Probably 10 or 15 minutes.**
17 **Q** Who picked you up?
18 **A Josh Roux.**

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- 1 Q How do you spell his last name?
- 2 A **R-o-u-x.**
- 3 Q How do you know Josh?
- 4 A **A friend from all my schooling, except for college.**
- 5 Q So what happened after he picked you up?
- 6 A **He drove me, Pat and Lindsay back to my house and we**
- 7 **stayed there for the night.**
- 8 Q What time did you arrive home?
- 9 A **I'm not sure.**
- 10 Q At some point did you tell your father about the
- 11 incident?
- 12 A **Yes.**
- 13 Q When did you tell him about the incident?
- 14 A **I told my mom first. She woke up and came down.**
- 15 **And I told her. I think my dad didn't know until**
- 16 **the next morning because he had somewhere to be in**
- 17 **the morning, so he was sleeping. I'm pretty sure.**
- 18 Q So the morning after the incident he found out about
- 19 it?
- 20 A **I think so.**
- 21 Q You told him or did your mother tell him?
- 22 A **I don't remember.**
- 23 Q Do you remember what his response was? Were you
- 24 there when he was told?
- 25 A **I don't remember his response.**

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- 1 Q He went to get the car back from Wayne County, is
- 2 that correct? Wayne County Prosecutor's office?
- 3 A **Yes.**
- 4 Q Did you go with him?
- 5 A **Yes.**
- 6 Q Tell me what occurred as far as getting the vehicle
- 7 back.
- 8 A **We went to the prosecutor's office and paid the**
- 9 **\$900.**
- 10 Q What day was that?
- 11 A **I don't know what day.**
- 12 Q The incident occurred was it on a--
- 13 A **Friday.**
- 14 Q --Friday night into Saturday morning?
- 15 A **Yeah.**
- 16 Q Did you go that Monday to try and get the car or was
- 17 it after that?
- 18 A **I don't know.**
- 19 Q Do you remember if it was a week or a month later?
- 20 Does that help jog your memory at all?
- 21 A **Probably the next week.**
- 22 Q So you went to the Wayne County Prosecutor's office
- 23 to get the car back?
- 24 A **Yes.**
- 25 Q Did you ever think about contesting the fee?

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- 1 A **No.**
- 2 Q Like in court?
- 3 A **No.**
- 4 Q Why not?
- 5 A **Because I needed my car back. I drive it to work**
- 6 **and school.**
- 7 Q Were you the titled owner of the car?
- 8 A **No.**
- 9 Q But you had exclusive use of the car pretty much or
- 10 was your dad also using the car?
- 11 A **I used it most of the time.**
- 12 Q You used it for school and work?
- 13 A **Yes.**
- 14 Q And you wanted your car back?
- 15 A **Yes.**
- 16 Q So then what happened after you left Wayne County
- 17 Prosecutor's office?
- 18 A **We went to the tow yard that they told us. And they**
- 19 **told us that they didn't have the car. And they**
- 20 **sent us to a different tow yard.**
- 21 Q Do you know what tow yard you went to the first
- 22 time?
- 23 A **No.**
- 24 Q What tow yard did you go to the second time?
- 25 A **I don't know the names.**

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- 1 Q Do you know where the first tow yard was located?
- 2 A **No.**
- 3 Q ~~Do you know where the second tow yard was located?~~
- 4 A **No.**
- 5 Q Were both of the tow yards in southwest Detroit?
- 6 A **I think so.**
- 7 Q What happened when you arrived at the second tow
- 8 yard?
- 9 A **I don't remember for sure if there was two or three**
- 10 **total tow yards that we went to. But the last--**
- 11 Q The last tow yard you went to?
- 12 A **Yeah.**
- 13 Q What happened?
- 14 A **They went and looked for our car and then they told**
- 15 **us that it had been stolen out of their lot.**
- 16 **And my dad talked to one of the guys in**
- 17 **charge there. And then he offered to give us a van**
- 18 **in place of our car. Which we didn't take.**
- 19 **And then eventually we settled in small**
- 20 **claims court.**
- 21 Q How long did that take?
- 22 A **I don't know.**
- 23 Q Did you eventually get another car?
- 24 A **Yes.**
- 25 Q To drive to work and to school?

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1 **A Yes.**

2 **Q** How long after you left that tow yard did it take
3 for you to get a new car or another car?

4 **A I got my dad's old car. He bought a new one.**

5 **Q** How long after you left the tow yard was that?
6 Strike that.

7 How long were you without a car?

8 **A I'm not sure.**

9 **Q** Was it weeks, months, years?

10 **A Not years. But, I'm not sure exactly how long.**

11 **MR. ASHFORD: Off the record.**

12 **(Off the record. Break is taken.)**

13 BY MR. ASHFORD:

14 **Q** Nathaniel, as a result of the police action that
15 occurred on May 31, 2008 did you suffer any type of
16 damages or injury that we have not discussed today?

17 **A Not physically. The situation caused me a lot of**
18 **stress for the next-- for a long time. Besides not**
19 **getting my car back, I didn't get back any of the**
20 **belongings that were inside of it.**

21 **And I fear police officers a lot more than**
22 **I did before. Because I had a gun pointed at me.**
23 **And because of all the verbal abuse that we went**
24 **through.**

25 **And now I don't go out in Detroit much**

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1 **anymore because I'm afraid of something like this**
2 **could happen without me knowing that someplace I'm**
3 **at is doing something illegal.**

4 **Q** Anything else?

5 **A No.**

6 **Q** Is there anything else you want to tell me about
7 this incident?

8 **A No.**

9 **MR. ASHFORD: I have nothing further.**

10 **EXAMINATION**

11 BY MS. JAMES:

12 **Q** I just have two questions. I just wanted to clarify
13 one part of your testimony.

14 Did you trip at all the night of May 31,
15 2008 while you were at the CAID?

16 **A Yes.**

17 **Q** Can you explain when and how you tripped?

18 **A I tripped after the police came through the door and**
19 **told everyone to get to the ground. Right after**
20 **that I got to the side and tripped over someone as I**
21 **was going to the ground.**

22 **MS. JAMES: That's all I have.**

23 **MR. ASHFORD: I have nothing further.**

24 **(Deposition concluded at 2:20 p.m.)**

25

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1 STATE OF MICHIGAN)

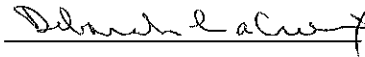
2) SS.

3 COUNTY OF WAYNE)

4 CERTIFICATE OF NOTARY

5 I, Deborah LaCroix, a Notary Public for the
6 County of Wayne, State of Michigan, do hereby certify
7 that the deposition of NATHANIEL PRICE was taken
8 before me at the time and place hereinbefore set
9 forth; that the witness was by me first duly sworn to
10 testify to the truth, the whole truth and nothing but
11 the truth; that thereupon the foregoing questions were
12 duly recorded by me stenographically and by me later
13 reduced to typewritten form; and I certify that this
14 is a true and correct transcript of my stenographic
15 notes so taken.

16 I further certify that I am not of Counsel
17 to either party nor interested in the event of this
18 cause.

19 

20 Deborah LaCroix, CSR-1454

21 Notary Public, Wayne County,

22 Michigan

23 My Commission Expires: 4-26-11

24

25

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EXHIBIT 16

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY MOBLEY,
PAUL KAISER, ANGIE WONG, JAMES
WASHINGTON, NATHANIEL PRICE,
JEROME PRICE, STEPHANIE HOLLANDER,
JASON LEVERETTE-SAUNDERS, WANDA
LEVERETTE, DARLENE BELLENBERG,
THOMAS MAHLER, and LAURA MAHLER

Plaintiffs,

v

CITY OF DETROIT, VICKI YOST,
and DANIEL BUGLO,
Defendant.

DEPOSITION OF THOMAS MAHLER

Taken by the Defendant on the 15th day of
December, 2010, at the Law Offices of Goodman & Hurwitz,
P.C., 1394 Jefferson Avenue, Detroit, Michigan, 48207, at
11:00 a.m.

APPEARANCES:

For the Plaintiff: KATHRYN BRUNER JAMES, ESQ. (P71374)
Goodman & Hurwitz, P.C.
1394 E. Jefferson Avenue
Detroit, Michigan 48207
Telephone: (313) 567-6170

For the Defendant: JERRY L. ASHFORD, ESQ. (P47402)
City of Detroit Law Department
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Detroit, Michigan 48226
Telephone: (313) 237-3089

REPORTED BY: Angel Berry, CSR 7821
Certified Stenographic Reporter

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WITNESS

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EXHIBITS

(none)

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Detroit, Michigan

Wednesday, December 15, 2010 - 11:00 a.m.

REPORTER: Do you swear or affirm that the

testimony you're about to give in this matter will be
the whole truth?

MR. MAHLER: Yes.

MR. ASHFORD: Let the record reflect that

this is the deposition of Thomas Mahler taken pursuant
to the federal rules of civil procedure with notice to
all parties to be used for any and all purposes
allowed under the rules.

DIRECT EXAMINATION

BY MR. ASHFORD:

Q Good morning, Mr. Mahler.

A Good morning, sir.

Q My name is Jerry Ashford and I represent the City of
Detroit and the police officers in this lawsuit. Have
you ever given any type of testimony?

A I don't believe so.

Q Okay. Have you ever seen anyone give testimony in
court?

A I don't think so.

Q Or on T.V.?

A On T.V., yes.

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Q Well, just like what you've seen on T.V. we have a
court reporter that's here with us and she's taking
down everything that you say, so as you've already
found out, we need verbal answers to all my questions

because she cannot record nodding of the head or
shaking of the head. Okay?

A Okay.

Q Also if I ask you a question and you don't understand
my question please let me know and I'll rephrase it
until, hopefully, you do understand. Okay?

A Okay.

Q All right. Will you please state your full name for
the record.

A Thomas Jacob Mahler.

Q How old are you?

A Twenty-three.

Q Where do you live?

A 1624 Edison Street.

Q How long have you lived there?

A I believe six months, give or take a month.

Q Who do you live there with?

A I live there with my brother and his girlfriend,
Cheryl.

Q What's your brother's name?

A Daniel Mahler.

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1 Q How old is Daniel?
 2 A He is twenty-seven.
 3 Q What's your date of birth?
 4 A September 2nd, 1987.
 5 Q And what is your social security number?
 6 A 384-08-6673.
 7 Q Where did you live before the Edison address?
 8 A I lived on Monica Street. I don't remember the exact
 9 address.
 10 Q How long did you live there?
 11 A Two or three months.
 12 Q Who did you live there with?
 13 A There were a lot of people that were coming and going.
 14 Q Are you currently a student?
 15 A Yes.
 16 Q Where?
 17 A Wayne State University.
 18 Q Where were you living on May 31st of 2008?
 19 A Ferndale, Michigan. It's 741 West Lewiston.
 20 Q How long had you lived at the Lewiston address?
 21 A I've been living on and off there my whole life.
 22 Q Okay. On May 31st, 2008 who lived at the Lewiston
 23 address?
 24 A Myself and my mother, Laura Mahler.
 25 Q Anyone else?

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1 A No.
 2 Q Okay. Did you attend high school in Ferndale?
 3 A Yes.
 4 Q Did you graduate from high school?
 5 A I did.
 6 Q What high school?
 7 A Ferndale High School.
 8 Q What year did you receive a diploma?
 9 A 2005.
 10 Q Have you attended any other post-secondary
 11 institutions besides Wayne State University?
 12 A No.
 13 Q What are you studying at Wayne State?
 14 A Biotechnology.
 15 Q Have you ever received any type of degree or
 16 certification from Wayne State University?
 17 A No.
 18 Q Since you graduated from 2005 have you had any type of
 19 full-time employment?
 20 A No.
 21 Q Thomas, have you ever been a member of the
 22 Contemporary Art Institute of Detroit?
 23 A Yes.
 24 Q When did you join that organization?
 25 A Sometime in 2007 or 2008.

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1 Q So when you went to the party on May 31st of 2008 were
 2 you already a member?
 3 A Yes.
 4 Q How long had you been a member?
 5 A Some months. I can't remember exactly how many
 6 months.
 7 Q Was that the first event you had ever gone to at the
 8 Contemporary Art Institute of Detroit or the CAID?
 9 A No.
 10 Q What other events had you attended prior to May 31st
 11 of 2008?
 12 A I had been to other funk nights. I had been there for
 13 some other events. Once there was -- once or twice
 14 there was an art show of some sort with hangings, I
 15 believe. There was also some other events where they
 16 played other classical music like disco or something.
 17 Q What do you mean classical music, but like a disco?
 18 A I'm sorry. Funk and disco music seems like classical
 19 music to me. It's before my time.
 20 Q How many art shows, approximately, did you attend?
 21 A More than ten, probably less than thirty.
 22 Q Was there any alcoholic beverages served at the art
 23 shows?
 24 A Yes.
 25 Q What kind of alcoholic beverages?

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1 A Wine and beer.
 2 Q Red wine, white wine or both?
 3 A Both.
 4 Q Prior to -- strike that.
 5 Was your mother with you at these art shows?
 6 A No.
 7 Q Was the beer and wine being sold or was it being given
 8 out free?
 9 A It was provided to people that were members and over
 10 twenty-one. I don't know what that constitutes as
 11 legally.
 12 Q So you had to be twenty-one to receive -- to get the
 13 beer and wine?
 14 A Yes.
 15 Q How do you know that?
 16 A They give -- the system might change from night to
 17 night but they had someone identifying their wrist
 18 bands or markers on the hands.
 19 Q At the art shows?
 20 A Yes.
 21 Q Did you personally know any of the employees or
 22 volunteers who worked at the Contemporary Art
 23 Institute of Detroit?
 24 A Know them personally how?
 25 Q By name?

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1 A Yes.
 2 Q Can you tell me who you know who was an employee or
 3 volunteer at CAID?
 4 A Aaron Timlin.
 5 Q Anyone else?
 6 A That's the only name I know.
 7 Q Okay. What kind of relationship did you have with
 8 Aaron Timlin as of May 31st of 2008?
 9 A Acquaintances.
 10 Q How had you become acquainted with Mr. Timlin?
 11 A I had talked to him most of the nights I'd been at the
 12 CAID.
 13 Q Do you know what his role was there or job?
 14 A No, I don't.
 15 Q Where did you first meet Mr. Timlin?
 16 A I believe I first met him at the CAID.
 17 Q What type of event did you meet him at?
 18 A Probably Funk Night.
 19 Q Had you seen Mr. Timlin at other funk nights?
 20 A Yes.
 21 Q Was he at the art shows?
 22 A Yes.
 23 Q When is the last time that you spoke with Mr. Timlin?
 24 A It might have been a year or two.
 25 Q Ago?

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1 A Yes. Sorry.
 2 Q Where did you last see him? Was it during a CAID
 3 event?
 4 A The last time I remember speaking to him was when we
 5 were meeting with our lawyers as a large group two and
 6 a half years ago.
 7 Q What lawyers were those?
 8 A ACLU representatives.
 9 Q Thomas, do you have a Facebook?
 10 A Yes, I do.
 11 Q Have you ever discussed the arrest at the CAID on your
 12 Facebook page that occurred on May 31st, 2008?
 13 A No, I don't believe so.
 14 Q Or on a MySpace page?
 15 A I don't have a MySpace or anything else like a
 16 Facebook.
 17 Q Have you ever gone into the CAID website?
 18 A Yes.
 19 Q For what reason?
 20 A Check times and dates.
 21 Q Of events?
 22 A Yes.
 23 Q Have you ever been in a chat room on the CAID website?
 24 A No.
 25 Q Prior to May 31st of 2008 do you know if CAID had a

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1 State of Michigan liquor license?
 2 A No, I'm not aware of that.
 3 Q Did you ever see one posted at the CAID?
 4 A I wouldn't really know.
 5 Q But did you ever see it?
 6 A I've never checked for a liquor license before. I
 7 don't even know what they look like.
 8 Q Have you ever checked for a City of Detroit dance
 9 permit?
 10 A No.
 11 Q Do you know if the CAID had one?
 12 A I don't.
 13 Q Did you check for a City of Detroit business license?
 14 A No.
 15 Q Do you know if the CAID had one?
 16 A No, I don't.
 17 Q On May 31st -- strike that.
 18 Thomas, have you ever been arrested?
 19 MS. BRUNER-JAMES: Objection as to relevance.
 20 Go ahead.
 21 MR. ASHFORD: Strike that.
 22 BY MR. ASHFORD:
 23 Q Thomas, have you ever been arrested or convicted of a
 24 crime?
 25 MS. BRUNER-JAMES: Same objection.

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1 THE WITNESS: No.
 2 BY MR. ASHFORD:
 3 Q Have you ever been treated for substance abuse?
 4 MS. BRUNER-JAMES: Same objection.
 5 THE WITNESS: No.
 6 BY MR. ASHFORD:
 7 Q Have you ever been treated for any type of psychiatric
 8 illness or condition?
 9 MS. BRUNER-JAMES: Same objection.
 10 THE WITNESS: Yes.
 11 BY MR. ASHFORD:
 12 Q What type of condition?
 13 A I was treated for an anxiety disorder as a child and I
 14 received psychiatric treatment surrounding the time of
 15 this event for no specific condition.
 16 Q Who did you receive treatment from?
 17 A The Wayne State psychiatric service.
 18 Q Do you know what doctor or counselor treated you?
 19 A I can't remember his name at this moment.
 20 Q How long did you undergo treatment or how many
 21 sessions did you attend?
 22 A I attended for a few months, usually once a week. Not
 23 always.
 24 Q During what time period?
 25 A Before and after the events.

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1 Q Before and after the May 31st, 2008 event?
 2 A Yes.
 3 Q Were you ever prescribed any type of medication?
 4 A Not at that time, no.
 5 Q What do you mean, not at that time?
 6 A The Wayne State psychiatric service didn't prescribe
 7 me medication. I was prescribed medication as a
 8 child.
 9 Q As an adult have you ever been prescribed any
 10 medication for any type of psychiatric illness or
 11 condition?
 12 A No.
 13 Q When was the last time you received treatment for any
 14 type of psychiatric or psychological condition?
 15 A I'm not positive, but I believe two years.
 16 Q Two years ago?
 17 A Yes.
 18 Q Did your psychiatric problems or psychological
 19 problems have anything to do with the May 31st, 2008
 20 incident alleged in your complaint?
 21 MS. BRUNER-JAMES: Objection as to
 22 foundation.
 23 THE WITNESS: I felt I had a problem prior
 24 but I feel like I got worse at that time afterwards --
 25 after the May 31st event.

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1 BY MR. ASHFORD:
 2 Q What got worse?
 3 A I became kind of depressed and despondent I suppose.
 4 I didn't like going out very much anymore.
 5 Q Prior to May 31st, 2008 had you ever been diagnosed
 6 with depression?
 7 MS. BRUNER-JAMES: Objection as to relevance.
 8 Go ahead.
 9 THE WITNESS: I don't believe so.
 10 BY MR. ASHFORD:
 11 Q Since May 31st, 2008 have you been diagnosed with
 12 depression?
 13 A No.
 14 Q When you were seeking treatment around the time of
 15 May 2008, both before and after, were you ever
 16 diagnosed with any type of psychiatric or
 17 psychological condition?
 18 A No. I don't believe I was ever diagnosed at the Wayne
 19 State facilities.
 20 Q But you were diagnosed as a child with anxiety?
 21 A Yes.
 22 Q What time did you arrive at the CAID on May 31st of
 23 2008?
 24 A Approximately 2:00 a.m.
 25 Q If the complaint in this case said you arrived at 1:50

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1 a.m. would that be an error?
 2 A I don't know exactly what time I arrived. Somewhere
 3 in the vicinity of two, give or take ten minutes.
 4 Q Could you have arrived at 2:10?
 5 A It's possible. I wasn't checking the clock.
 6 Q Is it more likely that you arrived at two o'clock or
 7 1:50 than 2:10?
 8 A I'm not sure.
 9 Q How did you get to the CAID?
 10 A I walked.
 11 Q Where did you walk from?
 12 A Down the street.
 13 Q Down the street where?
 14 A From the CAID down Rosa Parks. I was at another
 15 venue, the name of which I can't exactly remember.
 16 Q What type of venue was it?
 17 A It was another art gallery.
 18 Q What was going on at that art gallery or what event
 19 were you attending?
 20 A They were -- I believe it was another funk night.
 21 Q Were you a member of that art gallery?
 22 A No, theirs didn't work on a membership basis, I don't
 23 believe.
 24 Q It was just general admission to whoever showed up?
 25 A I think so.

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1 Q Did you have anything -- any alcoholic beverages to
 2 drink at that funk night?
 3 MS. BRUNER-JAMES: Objection. This witness
 4 was under twenty-one at this time, so I'm advising him
 5 to assert his Fifth Amendment privilege not to answer
 6 any questions about underage drinking with the limited
 7 exception of while he was at the CAID on May 31st,
 8 2008. So with respect to this question, I'd advise
 9 him to assert his privilege.
 10 BY MR. ASHFORD:
 11 Q Do you wish to do that, Mr. Mahler, assert your Fifth
 12 Amendment privilege?
 13 A I'm sorry. No, I wasn't drinking.
 14 Q During -- how long were you at that venue?
 15 A I can't remember. Not very long.
 16 Q Okay.
 17 A Probably less than a half hour.
 18 Q Were you using any type of illegal narcotics while you
 19 were at funk night at that venue?
 20 MS. BRUNER-JAMES: Objection. Same assertion
 21 of the Fifth Amendment privilege not to answer any
 22 questions of an incriminating nature. I'd advise you
 23 not to answer that question.
 24 THE WITNESS: I won't answer then. Fifth
 25 Amendment.

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1 BY MR. ASHFORD:
2 Q So you wish to assert your Fifth Amendment privilege?
3 A Yes.
4 Q Okay. I may have already asked you this, but how long
were you there?
5 A I don't remember. I believe it was less than a half
6 hour.
7 Q Who were you with?
8 A I was by myself.
9 Q Okay. How far was this venue from the CAID?
10 A A few city blocks.
11 Q Is it on Rosa Parks also?
12 A It is not on Rosa Parks. I believe it's around the
13 corner.
14 Q From the CAID?
15 A Around the corner from Rosa Parks.
16 Q Okay. How did you get to that venue?
17 A I drove.
18 Q What kind of car did you drive?
19 A '95 Geo Prism.
20 Q Who is the registered owner of that Geo?
21 A Laura Mahler.
22 Q Your mother?
23 A Yes.
24 Q Was that vehicle subsequently seized as a result of

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1 the raid on the CAID?
2 A Yes.
3 Q Was the Prism insured?
4 A Yes.
5 Q What was the name of the insurer?
6 A AAA, I believe.
7 Q Who was the primary user of the Geo Prism?
8 A I am.
9 Q You still have it today?
10 A Yes.
11 Q So when you went to the CAID or arrived at the CAID at
12 approximately 2:00 a.m. on May 31st, 2008 were you
13 alone?
14 A Yes.
15 Q Did you pay any admission to get in?
16 A No.
17 Q Why not?
18 A I had been a member, had already paid up.
19 Q Did you -- were you given a wrist band?
20 A I don't believe so.
21 Q You don't recall or do you know?
22 A Sometimes they had wrist bands for people over
23 twenty-one and under twenty-one, and they would be
24 different colors. I can't remember whether they gave
25 me the under twenty-one wrist band or whether I

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20

1 received no wrist band.
2 Q When you arrived at the door was there a line?
3 A Yes.
4 Q Okay. How many people were in front of you trying to
5 get into the venue?
6 A I didn't go in through the front door.
7 Q What door did you go into?
8 A The side door.
9 Q Okay. How many people were in front of you when you
10 were trying to get into the side door?
11 A Nobody.
12 Q So earlier you testified there was someone in front of
13 you, but there was no one in front of you. Was there
14 anyone in front of you while you were trying to get
15 into the CAID?
16 A There were people in line for the front door but they
17 weren't in front of me. I went to a different
18 entrance.
19 Q What did you see? Was there anyone at the entrance,
20 the side entrance that you went into, checking IDs?
21 A Yes. They had staff there.
22 Q How many people?
23 A One or two people.
24 Q Did you know the staff members?
25 A I know them by face, but not by name.

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1 Q So after you stepped in the CAID what did you see?
2 A I saw people standing around talking.
3 Q What room were you in?
4 A I was outside. The side door leads directly into the
5 backyard.
6 Q Okay. When you first stepped into the CAID after you
7 paid your --
8 A The building?
9 Q Strike that. After you first stepped into the CAID
10 building what room were you in?
11 A I was in the room with the dance floor and the DJ.
12 Q That was near the back of the building, wasn't it?
13 A Yes.
14 Q Did you ever go to the front of the building?
15 A Yes.
16 Q Okay. When did you go to the front of the building?
17 A A few minutes after I arrived.
18 Q Okay. So you walked into the room with the DJ and
19 where the dancing was going on, and you walked to the
20 front?
21 A Yes.
22 Q Why did you do that?
23 A I went to get a cup of water.
24 Q Okay. Where did you go to get the water?
25 A The bar.

RELIANCE COURT REPORTING

1 Q Okay. At the bar did you see any sales of alcoholic
2 beverages?
3 A As far as I remember I was the only one at the bar at
4 the time, so I didn't observe any sales.
5 Q Okay. Did you see anyone in the CAID with alcoholic
6 beverages?
7 A I don't know.
8 Q You didn't see any beer in the CAID when you were in
9 there?
10 A Okay. Yes, I saw beer.
11 Q Okay. Did you see any kegs when you were in the CAID
12 building?
13 A I don't recall seeing a keg.
14 Q What was behind the bar?
15 A A sink, some beer and some wine.
16 Q What was the wine in?
17 A A box.
18 Q Okay. Bottles of wine were in a box?
19 A No, it was the Franzia box wine.
20 Q Was it red or white?
21 A I think they had both.
22 Q Okay. What was the beer in?
23 A I don't know. I saw people carrying it in cups.
24 Q How do you know it was beer?
25 A I know what beer looks like.

RELIANCE COURT REPORTING

1 Q Okay. Can you describe it for me?
2 A Dark colored, bubbly liquid.
3 Q You have experience with beer?
4 MS. BRUNER-JAMES: Objection. Come on.
5 BY MR. ASHFORD:
6 Q You don't have to answer that. While you were inside
7 the CAID did you see anyone you knew prior to - you
8 had known prior to that night?
9 A Yes.
10 Q Who did you see?
11 A I saw Neil Matonka, Anna Stotland, Eric Johnson, Mary
12 Frazier, a few more people whose names I can't
13 remember right now.
14 Q Okay. While you were inside the CAID on May 31st,
15 2008 did you see anyone who was under age drinking
16 alcoholic beverages?
17 A I don't know.
18 Q Did you see anyone using illegal narcotics?
19 MS. BRUNER-JAMES: Objection as to
20 foundation. Go ahead.
21 THE WITNESS: I don't recall seeing anybody
22 use narcotics.
23 BY MR. ASHFORD:
24 Q Did you see or smell any marijuana?
25 A I did not see any. I can't really say about smell.

RELIANCE COURT REPORTING

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1 Q Why can't you say about smell?
2 MS. BRUNER-JAMES: Objection as to form.
3 THE WITNESS: I can't say for certain what a
4 certain aroma is.
5 BY MR. ASHFORD:
6 Q Had you ever recognized the smell before that you
7 had - strike that.
8 Had you ever smelled anything before that you
9 recognized as marijuana - burned marijuana?
10 MS. BRUNER-JAMES: Objection as to form.
11 THE WITNESS: What do you mean, before that?
12 BY MR. ASHFORD:
13 Q Before May 31st of 2008.
14 A Okay. In what regards?
15 Q Had you ever smelled anything that you recognized as
16 being burnt marijuana prior to May 31st of 2008?
17 A Ever in my life?
18 Q Yes.
19 A Yes.
20 Q Did you smell the same thing on May 31st of 2008 while
21 you were attending the event at the CAID?
22 MS. BRUNER-JAMES: Objection as to form and
23 foundation.
24 THE WITNESS: I don't know. Body odor and
25 weed can smell very similar. So can a few other

RELIANCE COURT REPORTING

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1 things.
2 BY MR. ASHFORD:
3 Q During your time in attendance at the CAID on
4 May 31st, 2008 did you ever go into the bathroom?
5 A Did you say that night or ever?
6 Q That night of May 31st, 2008.
7 A I don't believe I did.
8 Q And when you were at the bar there was no one else
9 there?
10 A I think there was people standing nearby, but I don't
11 recall anyone being in line in front of me that I can
12 remember.
13 Q Who was behind the bar?
14 A I don't know.
15 Q There was someone behind the bar, right?
16 A Yes.
17 Q Who gave you the water?
18 A Yes.
19 Q But you did not know that person?
20 A I'm sure I had seen them before, even talked to them,
21 but I couldn't tell you a name.
22 Q Would you remember their face?
23 A Possibly. I haven't seen any of those people in a
24 long time.
25 Q When was the last time you were at the CAID?

RELIANCE COURT REPORTING

1 A I've been outside of it once or twice since that
2 event. I've dropped some people off there but I
3 haven't gone back inside since.
4 Q What happened after you got the water?
5 A I walked back outside.
6 Q Now just to be clear, while you were at the CAID on
7 May 31st of 2008 you did not see a State of Michigan
8 liquor license?
9 MS. BRUNER-JAMES: Objection. Asked and
10 answered.
11 THE WITNESS: I believe what I said was I
12 don't know what a liquor license looks like so --
13 BY MR. ASHFORD:
14 Q You did not check for a Michigan liquor license?
15 A No.
16 Q So after you received your water you went outside?
17 A Yes.
18 Q How did you get outside?
19 MS. BRUNER-JAMES: Objection as to form.
20 THE WITNESS: What do you mean about how did
21 I get outside?
22 BY MR. ASHFORD:
23 Q Well, did you walk?
24 A Yes.
25 Q What route did you take?

RELIANCE COURT REPORTING

1 A I walked back through the dance floor out the door I
2 came in.
3 Q Okay. Why did you do that?
4 A The people I knew at the event, Eric and Anna and
5 them, were outside so I was walking back to where they
6 were.
7 Q Okay. During the time that you were at the CAID on
8 May 31st of 2008 did you have any alcoholic beverages?
9 A I don't remember.
10 Q Did you use any illegal narcotics?
11 A No.
12 Q What did you do once you returned outside?
13 A I tried to talk my friends into leaving.
14 Q I'm sorry. Who were your friends?
15 A Eric Johnson, Anna Stotland.
16 Q How do you spell her last name?
17 A S-t-o-t --
18 Q L-a-n-d?
19 A Yes. Mary Frazier.
20 Q Is that it?
21 A Neil Matouka.
22 Q How do you spell that?
23 A Ne-i-l. I'm not sure how to spell his last name. I
24 think it's M-a-t-o-u-k-a.
25 Q Anyone else?

RELIANCE COURT REPORTING

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1 A There were a few more people, but I wasn't as good of
2 friends with them.
3 Q During the time that you were at the CAID on May 31st,
4 2008 did you see Eric Johnson drink any alcoholic
5 beverages?
6 A Not that I'm aware of.
7 Q Did you see Anna Stotland drink any alcoholic
8 beverages?
9 A Not that I'm aware of.
10 Q Did you see Mary Frazier drink any alcoholic
11 beverages?
12 A Not that I'm aware of.
13 Q Did you see Neil Matouka drinking any alcoholic
14 beverages?
15 A Not that I'm aware of.
16 Q Did you see any of the four individuals using illegal
17 narcotics?
18 A No.
19 Q So what was the result of your discussion with your
20 friends regarding whether to leave the CAID or not?
21 A They agreed.
22 Q Okay. Then what happened?
23 A Then the police arrived.
24 Q Okay. When the police arrived where were you
25 standing?

RELIANCE COURT REPORTING

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1 A I was outside near the door coming to the inside next
2 to a platform with stones.
3 MR. ASHFORD: Off the record.
4 (Off the record at or about 12:05 to 12:07
5 p.m.)
6 BY MR. ASHFORD:
7 Q I'm going to show you what's been marked as
8 Defendant's Exhibit Six.
9 A Okay.
10 Q And also Defendant's Exhibit Three. Is Defendant's
11 Exhibit Three the door that you entered into the CAID?
12 A Aren't these the same door?
13 Q Yes.
14 A I don't believe so. I believe that's the front door.
15 Q Okay. You're saying that the door in Exhibit Six is
16 the front door?
17 A Yes.
18 Q Okay. Let me show you Defendant's Exhibit Four. In
19 the front of this building you see Contemporary Art
20 Institute of Detroit and there's two doors, right?
21 A Yes.
22 Q Aren't those two doors the front doors?
23 A I've never entered through either of those doors.
24 I've never seen them open.
25 Q Okay. Aren't those the front doors of the building

RELIANCE COURT REPORTING

1 facing Rosa Parks?
 2 A Those are the doors facing Rosa Parks.
 3 Q So the door in Exhibit Three and the door in Exhibit
 4 Six are different?
 5 A I thought you said they were the same door.
 6 Q Okay. We're not communicating effectively here. I
 7 didn't understand what you meant. Okay. Are they the
 8 same doors from your memory?
 9 A Yes.
 10 Q Okay.
 11 A I always thought of these as the front doors, and the
 12 back door as the side door. I suppose you're thinking
 13 of this as the front and these as the side, and the
 14 exit I went in as the back.
 15 Q Well, it's your deposition so we're trying to get a
 16 understanding of how you feel about the doors. So
 17 what would you consider the doors in Exhibit Three and
 18 Exhibit Six? That would be the side or the back door
 19 to you?
 20 A The front door.
 21 Q That would be the -- I'm sorry -- front door?
 22 A Yes.
 23 Q So when you told me you went through the side door,
 24 would that have been the door opposite -- facing the
 25 opposite direction to the doors in Exhibit Four?

RELIANCE COURT REPORTING

1 A Yes, along the fence on the opposite side is a gate.
 2 Q So the door that you went into and the door that you
 3 came out of is not shown in Exhibits Three, Four and
 4 Six; is that correct?
 5 A Correct.
 6 Q There's also a door that leads to a terrace area; is
 7 that correct?
 8 A That's what I was talking about. I walked directly
 9 into the backyard.
 10 Q I see. So there's a gate that you can go through to
 11 get into the backyard; is that correct?
 12 A Yes.
 13 Q So you can enter the backyard two different ways;
 14 through the door of the CAID and through a gate. Is
 15 that correct?
 16 A Yes.
 17 Q Okay. So you were standing in this terrace area with
 18 other people, I suppose?
 19 A Yes.
 20 Q How many other people were out there?
 21 A How many people were in the backyard, period?
 22 Q Yes.
 23 MS. BRUNER-JAMES: Objection as to
 24 foundation. Go ahead.
 25 THE WITNESS: I don't know.

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1 MR. ASHFORD: Off the record for a moment.
 2 (Off the record at, or about 12:11 to 12:11
 3 p.m.)
 4 BY MR. ASHFORD:
 5 Q So how did you first notice the police officers?
 6 A A man and a shotgun dressed in all black with a
 7 bandanna over his face was the first officer I saw.
 8 Q And you were still in the backyard when you first saw
 9 this officer?
 10 A Yes.
 11 Q Had you made any movement to leave by that time?
 12 A We were just about to head out.
 13 Q So what happened when you saw this officer?
 14 A I became very scared. I didn't recognize him as an
 15 officer. I thought we were being mugged.
 16 Q What was he wearing?
 17 A If memory serves black boots, black sweat pants and a
 18 black sweater or sweatshirt or something of the sort,
 19 and a black bandanna.
 20 MS. BRUNER-JAMES: Let the record reflect
 21 that when the witness said "black bandanna" he
 22 gestured in front of the lower part of his face.
 23 BY MR. ASHFORD:
 24 Q Was the word "Police" emblazoned across the chest on
 25 his black shirt or black clothing?

RELIANCE COURT REPORTING

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1 A I did not see the word "Police" anywhere on his
 2 clothing.
 3 Q I'm going to show you Defendant's Exhibit Six again.
 4 In the left part of that photograph there's a
 5 gentleman dressed in all black. Do you see that
 6 gentleman with the word "Police" on his back?
 7 A Yes.
 8 Q Is that what the gentleman was wearing who came
 9 through the back door or the side door of the CAID
 10 which leads into the terrace area or backyard?
 11 A I didn't see the word "Police" on his back. It's hard
 12 to tell from this photo. It looks like he's wearing a
 13 jacket or a coat. The person that came out I don't
 14 recall as wearing a jacket or a coat. I believe some
 15 of them might have put on more clothing later into the
 16 evening.
 17 Q How do you know that?
 18 A When I first saw them I didn't any see any identifying
 19 characteristics that they were police for sometime,
 20 but as the night wore on they seemed to be more and
 21 more in uniform.
 22 Q Would it be fair to say as the night wore on you saw
 23 more and more police officers?
 24 A Yes.
 25 Q Were the police officers dressed differently?

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1 A Yes, they were all dressed differently.
 2 Q So you did not see the word "Police" on the clothing
 3 of any of the officers that came into the backyard?
 4 A I didn't see it on the first officer. One of the
 5 subsequent officers that came into the backyard had
 6 the word "Police" on her sweat pants on the side I
 7 believe in letters about this big -
 8 MS. BRUNER-JAMES: Let the record reflect it
 9 was about four inches between his thumb and index
 10 finger when he said "this big".
 11 THE WITNESS: By that point we were already
 12 all on the ground and that's when I finally realized
 13 that these people might be police.
 14 BY MR. ASHFORD:
 15 Q When they came through the door did they identify
 16 themselves as police?
 17 A No.
 18 Q Was it fairly chaotic out there and noisy when they
 19 came through the door?
 20 A It was noisy before they came through the door but as
 21 soon as he came through the door with his weapon it
 22 immediately calmed down.
 23 Q Were they shouting when they came through the door?
 24 A Yeah. He told us to get the fuck down.
 25 Q What about the officers that were following him?

RELIANCE COURT REPORTING

1 A They came out after that. They had pistols, I
 2 believe. I think he was the only one with the
 3 shotgun. I can't remember them interacting with
 4 people too much. I mostly remember the man with the
 5 shotgun doing most of the speaking and interacting.
 6 Q Okay. So then did you get down?
 7 A Yes.
 8 Q Then what happened?
 9 A One man was inquiring as to why he was being told to
 10 get on the ground.
 11 Q Can you describe this man for me?
 12 A I didn't get very good of a look at him because I was
 13 already on the ground at this point, but I believe he
 14 was African-American. I believe he was on the taller
 15 side. I believe he was mid-built or skinny.
 16 Q Was he refusing to get down?
 17 A No. He was curious and concerned I would say.
 18 Q But he did not get down?
 19 A He did not get down as we were told to get down the
 20 first time by the man with the shotgun.
 21 Q Okay. Then what happened?
 22 A The officer with the shotgun and the man that was
 23 standing had an altercation in which, as best I could
 24 tell, the officer forced the man to the ground, kicked
 25 him and cursed at him.

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1 Q Kicked him in what manner?
 2 A I'm not sure. I saw a swift movement of his leg and I
 3 heard the man cry out.
 4 Q Would you refer to that as like tripping someone?
 5 A He was already on the ground at this point.
 6 Q When he kicked him he was already on the ground?
 7 A He kicked him while he was on the ground. I'm not
 8 sure exactly how he got him to the ground. I don't
 9 believe it was a voluntary movement.
 10 Q Then what happened - strike that.
 11 Have you seen this gentleman since May 31st
 12 of 2008 who was taken to the ground by that officer?
 13 A Not as far as I know.
 14 Q During the large group meeting with your attorneys you
 15 never saw that person?
 16 A I might have seen him while we were in court for the
 17 tickets some two and a half years ago. I might have
 18 seen him at the meeting before that date where we were
 19 speaking to the lawyers. I feasibly could have run
 20 into him without knowing it was him since then, but I
 21 have not contacted this individual as far as I know.
 22 Q Do you recall seeing him since May 31st of 2008?
 23 A No.
 24 Q Okay. What happened after that?
 25 A The officers - I believe there were four at this

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1 point or the third and fourth were coming through and
 2 they were walking around the yard looking around.
 3 Q Then what happened?
 4 A They started getting us up in groups of five or six, I
 5 believe, and moving us into the building.
 6 Q Do you know what the officers were looking for in the
 7 backyard?
 8 A I believe they were saying something to the effect of
 9 they were making sure that they had accounted for
 10 everybody.
 11 Q Did you hear the officers say anything else out there?
 12 A They were talking back and forth to each other a
 13 little bit. The first time we were told to get down
 14 nobody really did it. Everybody was just kind of
 15 staring at them, I would say shocked, and he ordered
 16 us a second time more forcefully than the first to get
 17 down. That's about as much as I remember of the
 18 conversation.
 19 Q And so you were taken back into the building?
 20 A Yes.
 21 Q Then what happened?
 22 A They lined us up single file against the walls. I was
 23 lined up on the stage.
 24 Q Is that in the room where the DJ was?
 25 A Yes.

RELIANCE COURT REPORTING

1 Q They separated the men and the women?
 2 A Correct.
 3 Q Then what happened?
 4 A They had us empty out our possessions into plastic
 5 bags and take our shoes off. Then they came around
 6 and patted us down and checked our shoes and took our
 7 stuff.
 8 Q Okay. Then what happened?
 9 A They began processing us one by one at a table they
 10 had set up in the middle of the room.
 11 Q Then what happened?
 12 A I get a little bit fuzzy about the exact order of
 13 events that things happened in next. Aaron Timlin
 14 asked to see a search warrant and a badge, but I can't
 15 remember exactly what order he asked in. I believe he
 16 asked for the search warrant first. When he first
 17 asked them they handcuffed him. The second time I
 18 believe he said something to the effect of, well,
 19 could I at least see a badge or could I at least see a
 20 search warrant. An officer struck him in the back of
 21 the head with a flashlight in his hand. I don't know
 22 if he hit him with the flash light or his fist.
 23 There was another individual or two
 24 individuals that they identified as trouble makers and
 25 they put all those people on the stage next to me and

RELIANCE COURT REPORTING

1 we were made to sit on the stage on our knees with our
 2 hands behind our head for several hours.
 3 Q You were identified as a trouble maker?
 4 A No, I was next to them.
 5 Q Oh, you were next to them.
 6 A I was lumped into the same category as them due to my
 7 proximity.
 8 Q Then what happened?
 9 A I'm really sketchy on what happened after that. They
 10 had me facing the wall with my hands behind my head so
 11 I couldn't see very much. I could look back a little
 12 bit every once in a while but they made it very clear
 13 that they didn't want us looking at them.
 14 Q Then what happened?
 15 A I waited for them to process me.
 16 Q Okay. Then what happened?
 17 A I was brought up to the table and there was an officer
 18 in uniform, a woman I believe. She's the only one I
 19 remember seeing in full uniform. There might have
 20 been one other woman in full uniform. She started
 21 writing up my tickets. I don't know who this woman is
 22 because as far as I know they used another officer's
 23 information for my ticket. The one that was writing
 24 up my ticket wasn't the one that signed it and put her
 25 badge number on it.

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1 Q Okay. Then what happened?
 2 A They gave me my tickets, took my car keys, let me go
 3 to my car and get my school books.
 4 Q Okay. Then what happened?
 5 A I had to wait around for another half hour to get my
 6 possessions back -- a half hour or so. I can't be
 7 positive about the time.
 8 Q Then what happened?
 9 A I got my possessions back and I waited outside for the
 10 rest of my friends to finish being processed.
 11 Q Can you describe the woman who was writing up your
 12 ticket?
 13 A She's the only one I remember being in full uniform.
 14 I believe she was African-American. I believe her
 15 hair -- she had long hair but it was pulled up under
 16 her hat, but I can't be positive at this point.
 17 Q Okay. So she was in traditional full uniform?
 18 A Yes, like I'd expect to see a police officer on the
 19 street with.
 20 Q With a badge pinned to her uniform on her chest?
 21 A I don't recall.
 22 Q She had a police hat on?
 23 A I believe so. I didn't see her until, I want to say
 24 an hour after this all started though.
 25 Q Can you describe her by height and weight?

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1 A I believe she was --
 2 Q Approximately.
 3 A I believe she was shorter than me and I believe she
 4 was slightly wider than me. Kind of stocky.
 5 Q Stocky?
 6 A Yes.
 7 Q How tall are you?
 8 A I'm about six foot.
 9 Q So she was tall for a female?
 10 A I can't remember her exact height. I just remember --
 11 I'm pretty sure I was taller than her.
 12 Q So then what happened after your friends came out?
 13 A I asked them how we were supposed to get home since
 14 they took our cars. I asked if they were going to
 15 give us a ride or anything like that and they said,
 16 no, we had to call a cab.
 17 Q Okay. Then what happened?
 18 A I didn't have any money for a cab, but thankfully, my
 19 friends allowed me to ride in theirs for free.
 20 Q Then what happened?
 21 A We took a cab back towards Mary Frazier's house. I
 22 believe we had to walk part of the way. I think the
 23 cab driver dropped us off somewhere by Eight Mile.
 24 Q Then what happened?
 25 A We walked to Mary Frazier's house. A lot of the

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1 people went upstairs and went to sleep. I spent an
 2 hour or so with them and then went to my house and
 3 went to sleep.
 4 Q How far did you live from Mary Frazier's house?
 5 A Half mile to a mile.
 6 Q How did you get home from Mary Frazier's house?
 7 A I don't remember. By this point my memory was really
 8 hazy. I hadn't slept in some time and I was kind of
 9 shook up. I can't remember whether I walked or
 10 somebody gave me a ride.
 11 Q Did you have anything to do with getting the Geo Prism
 12 back?
 13 A Yes, I went down to the impound lot.
 14 Q You accompanied your mother?
 15 A Yes.
 16 Q Was there anyone else with you besides you and your
 17 mother?
 18 A My brother could have been with us but I don't believe
 19 he was.
 20 Q What happened when you went to the impound lot?
 21 A I don't know. I wasn't really handling it too much.
 22 I mostly waited for issues to be resolved and then
 23 drove the car out.
 24 Q Did you go to the prosecutor's office at all -- the
 25 Wayne County Prosecutor's Office?

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1 A I didn't personally, I don't believe.
 2 Q Thomas, do you believe that you've suffered damages as
 3 a result of the incident that occurred on May 31st,
 4 2008 at the CAID as alleged in your complaint?
 5 A Yes.
 6 Q Tell me what damages you've suffered.
 7 A It strained already tense family relationships. It
 8 created problems between me and my mother, and me and
 9 my grandfather and my father in general. I feel that
 10 it significantly impacted my ability to go out and
 11 interact with people my own age to a certain extent
 12 because now any time I go anywhere in public I have to
 13 think in the back of my mind that there's a chance
 14 that this could happen again.
 15 Q Anything else?
 16 A I don't know. I suppose I became kind of depressed
 17 afterwards, pretty pessimistic about things. I kind
 18 of felt like I was powerless and the police had the
 19 right to do whatever they wanted to do and I didn't
 20 have any recourse to take issue with how they treated
 21 me.
 22 Q Anything else?
 23 A I suppose that's it.
 24 Q How did it strain your relationship with your family?
 25 A They blamed me. They said -- they were saying all

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1 kinds of things like I shouldn't have been going out,
 2 I shouldn't have been going to parties or -- I don't
 3 know how to say it exactly. They all got really upset
 4 at me after this. I don't know how to explain it
 5 exactly. My brother has had frequent run-ins with
 6 legal problems and the attitude I got was once I got
 7 arrested they were kind of treating me like I was the
 8 same as him.
 9 Q You were getting a ticket, correct? You were never
 10 placed in handcuffs, correct?
 11 A No.
 12 MR. ASHFORD: I have nothing further.
 13 MS. BRUNER-JAMES: Let's take a break quick.
 14 (Off the record at, or about 12:31 to 12:36
 15 p.m.)
 16 CROSS-EXAMINATION
 17 BY MS. BRUNER-JAMES:
 18 Q Thomas, when you went with your mom to retrieve the
 19 Geo Prism was it returned to you in the same condition
 20 that it had been the last time you had used the car?
 21 A No. The door handle on the driver's side had been
 22 ripped out of the door and there was a dent.
 23 Q Where was the dent?
 24 A In the front end.
 25 Q Okay.

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1 A Front side end.
 2 Q Okay.
 3 MS. BRUNER-JAMES: I don't have any other
 4 questions.
 5 REDIRECT EXAMINATION
 6 BY MR. ASHFORD:
 7 Q Driver's side or passenger side with the dent?
 8 A Driver's side.
 9 MR. ASHFORD: I have nothing further.
 10 Actually, I do have another question.
 11 BY MR. ASHFORD:
 12 Q Did you repair the dent?
 13 A No, it's still there. The handle is still ripped out
 14 too.
 15 Q And the handle is ripped out from what door?
 16 A The driver's side.
 17 Q The inside of the door?
 18 A Inside.
 19 Q And it wasn't like that when you drove to the initial
 20 venue -- the initial art theater on May 31st of 2008?
 21 A No, it wasn't. What I've learned since is -- that's
 22 not even relevant. No, it wasn't like that at all.
 23 I've seen other handles break like that but mine
 24 wasn't broken. Best I can figure is the door was
 25 locked and they tried to open it anyway because the

RELIANCE COURT REPORTING

1 Geo Prism doesn't have a mechanism to stop the handle
 2 from going when the door is locked, so he was probably
 3 trying to open it and ripped it right out.
 4 Q When you say "he" do you know who?
 5 A No.
 6 Q Okay.

7 MR. ASHFORD: I have nothing further.
 8 (Matter concluded.)
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RELIANCE COURT REPORTING

1 CERTIFICATE OF NOTARY
 2 STATE OF MICHIGAN)
 3 COUNTY OF WAYNE)
 4
 5 I, Angel Berry, CSR, and Notary Public in and for
 6 the County of Wayne, certify that this transcript,
 7 consisting of 46 pages, is a complete, true, and correct
 8 record of the testimony of Thomas Mahler, held in this case
 9 on December 15, 2010.

10 I also certify that prior to taking this
 11 deposition, Thomas Mahler was duly sworn to tell the truth.
 12

13
 14 12-21-10
 15 (Date)

16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 Angel Lee Berry
 (Signature)

Angel Lee Berry, CSR-7821
 Notary Public, Wayne County,
 Michigan
 My Commission Expires: April 6, 2012

RELIANCE COURT REPORTING

EXHIBIT 17

Transcript of the Testimony of **Paul Kaiser**

Date: October 21, 2010

Case: Ian & Kimberly Mobley, Paul Kaiser, et al v. City of Detroit, Vicki Yost & Daniel Buglo

Luzod Reporting Service Inc.
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY MOBLEY,
PAUL KAISER, ANGIE WONG, JAMES
WASHINGTON, NATHANIEL PRICE, JEROME
PRICE, STEPHANIE HOLLANDER, JASON
LEVERETTE-SAUNDERS, WANDA LEVERETTE-
SAUNDERS, WANDA LEVERETTE, DARLENE
HELLENBERG, THOMAS MAHLER and
LAURA MAHLER,

Plaintiffs,

Civil Action
No. 10-10675

-VS-

CITY OF DETROIT, VICKI YOST and
DANIEL BUGLO,

Defendants.

_____/

The Deposition of PAUL KAISER, taken before me,
Sherri L. Ruff, CSR-3568, a Notary Public within and for the
County of Wayne, State of Michigan, at 1392 East Jefferson
Avenue, Detroit, Michigan, on Thursday, October 21, 2010.

APPEARANCES:

KATHRYN BRUNER-JAMES, ESQ.
DANIEL S. KOROBKIN, ESQ.
Goodman & Hurwitz, PC
1394 East Jefferson Avenue
Detroit, Michigan 48207

Appearing on behalf of the Plaintiffs,

JERRY L. ASHFORD, ESQ.
DANIEL M. KOESTER, ESQ.
City of Detroit Law Department
660 Woodward Avenue
1650 First National Building
Detroit, Michigan 48226

Appearing on behalf of the Defendant.

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1 Detroit, Michigan
2 Thursday, October 21, 2010
3 2:10 p.m.

4
5 PAUL KAISER,
6 was thereupon called as a witness herein and, after having
7 been first duly sworn to tell the truth, the whole truth and
8 nothing but the truth, was examined and testified as
9 follows:

10 MR. ASHFORD: Let the record reflect that this is
11 the deposition of Paul Kaiser, taken pursuant to the
12 Federal Rules of Civil Procedure, to be used for any and
13 all purposes allowed under the rules, with notice to all
14 parties.

EXAMINATION

15 BY MR. ASHFORD:

16 Q. Good afternoon, Mr. Kaiser.

17 A. Good afternoon.

18 Q. My name is Jerry Ashford, and I represent the City of
19 Detroit and the Detroit police officers in this lawsuit
20 that you brought.

21 Have you ever given a deposition before?

22 A. I don't believe I have.

23 Q. You are an attorney, correct?

24 A. Yes.

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1 Q. Have you ever taken a deposition before?
2 A. Yes.
3 Q. So you are familiar with the rules of depositions?
4 A. Yes, I am.
5 Q. Well, just for the record, if I ask you any question that
6 you do not understand my question, please let me know, and
7 I will rephrase my question until hopefully you do
8 understand.
9 A. Thank you.
10 Q. Also, as you know, we need a verbal record. So, I need you
11 to give me verbal responses to my questions. Try not to
12 give me head shaking or uh-huh, unh-unh, okay?
13 A. Okay.
14 Q. Would you state your full name for the record.
15 A. Paul Matthew Kaiser.
16 Q. Where do you live, Paul? What's your address?
17 A. 25136 East Roycourt. Roycourt is all one word,
18 R-o-y-c-o-u-r-t. That's Huntington Woods, Michigan, 48070.
19 Q. How long have you lived there?
20 A. Just under two years.
21 Q. Who lives there with you?
22 A. I have joint custody with my children, so they are there
23 50 percent of the time. Two kids.
24 Q. Can you give me their first names and their ages?
25 A. Alexander Kaiser; date of birth, 6/15/05. Mia, M-i-a,

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1 Kaiser; date of birth is October 14, 2007. So they are --
2 I'm sorry, Alexander is seven, so his was '03, and Mia's
3 '05, so they are seven and five. Mia is '05. I apologize.

4 Q. Have you ever been married?

5 A. Yes.

6 Q. Now you are divorced?

7 A. Yes.

8 Q. How long have you been divorced, or what year were you
9 divorced?

10 A. I believe it was October of 2008 that it was finalized, the
11 divorce.

12 Q. Does your former wife know anything about the incident that
13 occurred at the Contemporary Art Institute of Detroit on
14 May 31st, 2008?

15 A. I don't believe she does, other than having a ticket mailed
16 to my former residence.

17 Q. But she does not know anything about what happened?

18 A. No.

19 Q. Okay.

20 A. That I know of.

21 Q. What is your relationship to Angie Wong?

22 A. She was my girlfriend for approximately two years from
23 April of 2008 through April of this year.

24 Q. So you no longer are in a relationship with her?

25 A. That's correct.

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1 Q. Prior to today, when is the last time you saw Angie?
 2 A. I saw her about a week and a half ago.
 3 Q. How often have you seen her since April of 2010?
 4 A. I saw her often at the beginning, and it's kind of tapered.
 5 Q. Since that time?
 6 A. Yeah.
 7 Q. Mr. Kaiser, do you have a Michigan operator's license with
 8 you today?
 9 A. Yes, I do.
 10 Q. May I see it, please?
 11 A. Sure.

12 MR. ASHFORD: Let the record reflect that
 13 Mr. Kaiser has handed me a Michigan chauffeur's license,
 14 number K-260-676-589-477, that expires June 22nd of 2011,
 15 in the name of Paul Matthew Kaiser, 676 Windsong Drive,
 16 Rochester, Michigan.

17 THE WITNESS: My current address is on the back.

18 MR. ASHFORD: 48307-3592. Date of birth,
 19 6/22/1970. No endorsements, with restrictions for
 20 corrective lens.

21 New address on the back is 25136 East Roycourt,
 22 Huntington Woods, Michigan, 48070. The change of address
 23 occurred on December 11, 2008. Thank you.

24 THE WITNESS: Thank you.
 25

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1 Q. Do you currently practice law?
 2 A. Yes.
 3 Q. What's your P number?
 4 A. 55598.
 5 Q. Where do you currently work?
 6 A. I have my own practice, sole practitioner.
 7 Q. What's the name of your practice?
 8 A. Paul M. Kaiser, PC.
 9 Q. What's your practice area?
 10 A. Predominantly auto, Workers' Compensation, Social Security
 11 disability.
 12 Q. Please don't be offended; I ask everyone these same
 13 questions.

14 Have you ever been arrested during your adult
 15 life?

16 MS. BRUNER-JAMES: Objection; relevance.

17 THE WITNESS: I have never been arrested.

18 BY MR. ASHFORD:

19 Q. Have you ever been convicted of any crime?

20 MS. BRUNER-JAMES: Objection; relevance.

21 THE WITNESS: 1991, approximately, a misdemeanor
 22 ticket for loud music, I believe, is the only blemish on my
 23 record, I believe.

24 BY MR. ASHFORD:

25 Q. What jurisdiction was that?

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1 BY MR. ASHFORD:
 2 Q. Mr. Paul -- Mr. Kaiser, what's your Social Security number?
 3 A. You can call Paul; that's fine. 379-74-8549.

4 Q. And is the date of birth on your operator's license --
 5 correct?

6 A. 6/22/1970.

7 Q. Where were you born?

8 A. Detroit, Michigan.

9 Q. Did you attend high school in Detroit?

10 A. Warren Mott High School. Graduated in 1988.

11 Q. What city is that in?

12 A. Warren.

13 Q. Is there any education beyond Warren Mott High School?

14 A. I have a BS in public administration from Oakland
 15 University, and a JD from Detroit College of Law, 1996.

16 MR. ASHFORD: Go off the record.

17 (Discussion off the record.)

18 MR. ASHFORD: Back on the record.

19 BY MR. ASHFORD:

20 Q. Mr. Kaiser, have you ever served any time in the military?

21 A. No.

22 Q. You have been admitted to the Michigan Bar?

23 A. That's correct.

24 Q. What year were you admitted to the State Bar of Michigan?

25 A. 1996.

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1 A. That was in Pontiac.

2 Q. Have you ever been issued any other type of misdemeanor
 3 violation since 1991?

4 MS. BRUNER-JAMES: Objection; relevance. Sorry.
 5 Go ahead.

6 THE WITNESS: I don't believe that I have.

7 MR. ASHFORD: Other than the event that we are
 8 speaking of today.

9 BY MR. ASHFORD:

10 Q. Have you ever been treated for substance abuse?

11 MS. BRUNER-JAMES: Objection; relevance.

12 THE WITNESS: No.

13 BY MR. ASHFORD:

14 Q. Have you ever been treated for any type of psychiatric,
 15 psychological or mental health issue?

16 MS. BRUNER-JAMES: Objection; relevance.

17 THE WITNESS: Yes.

18 BY MR. ASHFORD:

19 Q. When?

20 A. Going through the divorce process, I believe I went through
 21 marriage counseling in September of '07, I think. And I
 22 saw a psychologist during that time right about the --
 23 around the same time.

24 Q. What was the name of that psychologist?

25 A. Just give me a second. She's in Birmingham, Michigan, and

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1 I believe that I may have provided my attorneys with her
2 name and address. I can't think of her name at this
3 moment.
4 Q. Okay.
5 A. And I went once to see a psychiatrist, and I can't recall
6 his name. I may have provided them with the name.
7 Q. Okay.
8 A. And that was in December of that same year, that year I
9 had --
10 Q. Do you remember the name of the counselor?
11 A. The psychologist in Birmingham?
12 Q. Well, you said you underwent some counseling.
13 A. That was at Eastwood Clinic. The marriage counseling, that
14 was at Eastwood Clinic in -- on Rochester Road right at M59
15 or South Boulevard. I think that's maybe Rochester Hills.
16 Q. All right. If you have not provided that information to
17 your attorneys, can you do so, please?
18 A. Certainly.
19 Q. Did you suffer any type of physical injury as a result of
20 the incident that occurred at the Contemporary Art
21 Institute of Detroit on May 31st of 2008?
22 A. Yes.
23 Q. What kind of injury did you suffer?
24 A. Back and left shoulder.
25 Q. What kind of back injury did you suffer?

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1 A. Maybe five months ago or so.
2 Q. When is the last time you saw Dr. Byrne approximately?
3 A. Probably further back than that.
4 Q. Have you seen any other physicians regarding any injuries
5 you suffered at the Contemporary Art Institute of Detroit
6 on May 31st of 2008?
7 A. No.
8 Q. When is the last time you sought treatment for any
9 psychiatric or psychological counseling?
10 A. I would say that I went on approximately three occasions
11 for tune-up in March, February and March of this year. And
12 prior to that, I had not really seen any psychologist or
13 psychiatrist, going back to the last one that we spoke of
14 previously.
15 Q. You were given prescriptions by your doctors, is that
16 correct?
17 A. When?
18 Q. By Dr. Steele or Byrne.
19 A. On which occasion?
20 Q. I don't know. You told me that you received --
21 A. Are you talking about after the CAID event?
22 Q. After the CAID event, yes, concerning your back and
23 shoulder.
24 A. Okay, thank you. Yeah, I did receive at least two
25 different types of medication for that.

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1 A. I think it's contained within my medical records as to what
2 the actual diagnosis was, but I had pain in my back.
3 Q. Did the doctor tell you what was wrong with your back?
4 A. I'm sure that he did, and I can't recall if he told me a
5 specific diagnosis. He did prescribe medication to me.
6 And I believe that's all contained within the medical
7 records, too.
8 Q. Where did you seek medical treatment?
9 A. That was done through my family physician, our primary care
10 physician, Mary Beth Steele, and she's in with
11 Dr. David Byrne, B-y-r-n-e, and they are located in Warren,
12 Michigan. And it was Dr. Byrne that saw me initially after
13 the incident at CAID.
14 Q. And when you refer to CAID, you are referring to the
15 Contemporary Art Institute of Detroit?
16 A. That's correct.
17 Q. How many times did you see Dr. Steele?
18 A. I had seen Dr. Steele prior to the incident in question
19 and subsequent to the incident in question. And, also, it
20 may have been with Dr. Byrne the first time after the -- my
21 involvement with CAID. I don't recall specifically how
22 many times I have seen them, but I think there is probably
23 only one occasion that speaks of my lower back pain and
24 left shoulder pain.
25 Q. When is the last time you saw Dr. Steele approximately?

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1 Q. Did you fill those prescriptions?
2 A. Yes.
3 Q. Where?
4 A. I believe at Walgreens on Thirteen and Ryan in Warren.
5 Q. Anyplace else?
6 A. I'm trying to think back. And at that time I was going
7 through -- I was going through my divorce, and I was
8 residing with my parents in Warren, so I believe that's
9 probably the only place that I filled those prescriptions.
10 Q. And the Walgreens at Thirteen and Ryan is in Warren,
11 Michigan?
12 A. Yes.
13 Q. Prior to May 31st of 2008, had you ever suffered any type
14 of back injury?
15 A. I don't believe that there is any medical records that I
16 have sustained a back -- a back injury prior to that date.
17 I'm trying to go back in my head right now as we are
18 discussing this. I don't know.
19 Q. From your own personal knowledge, prior to May 31st of
20 2008, have you ever suffered a back injury?
21 A. I don't believe that I ever have.
22 Q. Prior to May 31st of 2008, did you ever suffer a left
23 shoulder injury?
24 A. If I did -- I know I specifically sustained right shoulder
25 injuries back in the early nineties when I was playing

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baseball. And if I did have any type of left shoulder injury, it would be during that time from baseball from between 1988 and 1992. But I don't recall ever injuring my left shoulder.

Q. Have you ever sought any -- strike that.

Before May 31st of 2008, had you ever sought any medical treatment for your left shoulder?

A. If I did, once again, it would be in the early 1990s.

Q. Since May 31st of 2008, have you sought any type of medical treatment for your left shoulder unrelated to the May 31st, 2008, incident at CAID?

A. No.

Q. Since May 31st of 2008, have you sought any type of medical treatment for your back unrelated to the incident that occurred on May 31st, 2008, at CAID?

A. No.

Q. Have you ever been hospitalized for your back during your adult life?

A. No.

Q. Have you ever been hospitalized during your adult life for any type of left shoulder injury?

A. No.

Q. Have you ever been diagnosed with any type of back condition, such as arthritis or anything like that, during your adult life?

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Q. Have you ever been a member of CAID?

A. No.

Q. Now, correct me if I'm wrong, but to gain admittance into the party that you attended on May 31st of 2008, you had to sign up to be a member of CAID?

A. I don't recall if I signed anything. I know that Angie told me she paid a cover charge for me.

Q. Did anyone -- when you were going into the Contemporary Art Institute of Detroit, did anyone ask you to become a member?

A. I don't recall.

Q. Did you sign anything or any type of application, membership application, to be a member?

A. I don't believe that I did, but I -- I don't recall whether I did or didn't.

Q. So you do not currently know if your name is on a membership list for CAID?

A. That's correct. I have never received anything from them, either in mailings or anything else.

Q. You never received anything through the United States Postal Service or electronically through e-mail?

A. I have not received anything, that's correct.

Q. Have you ever gone into the CAID web site?

A. I believe that after the incident happened, I believe that I did, yes.

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A. No.

Q. Have you ever been diagnosed with any type of disease or medical condition related to your left shoulder during your adult life?

A. No, other than --

Q. Unrelated to the incident that occurred at CAID.

A. Thank you.

Q. That's still a no?

A. Pardon me?

Q. That's still a no?

A. That's good.

Q. Did you understand what I was saying?

A. Yes, I understood you.

Q. I completed my question?

A. Yes.

Q. Is that a yes or no answer? You have not sustained any type of -- strike that.

You have not been diagnosed with any type of medical condition related to your left shoulder during your adult life?

A. Other than CAID?

Q. Other than CAID.

A. Correct.

Q. Are you currently a member of CAID?

A. No.

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Q. Before the incident, had you ever been to the CAID web site?

A. No.

Q. Did Angie ever tell you that she had been -- strike that. Did Angie Wong ever tell you that she had been to the CAID web site prior to the May 31st, 2008 incident?

A. She never told me, that I can recall.

Q. Prior to May 31st of 2008, did Angie Wong ever discuss CAID with you?

A. I don't recall her ever discussing it with me.

Q. Prior to May 31st of 2008, did you know anything about CAID?

A. I did not know about CAID, other than the fact of its full name, Contemporary Art Institute of Detroit.

Q. Did you know what kind of business was conducted by the Contemporary Art Institute of Detroit?

A. No, I didn't.

Q. Had you ever been there before?

A. No.

Q. Do you have a computer?

A. Yes.

Q. Did you have one on May 31st of 2008?

A. Yes.

Q. Laptop or stand-alone?

A. I think I had a laptop at that time.

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1 Q. Okay. Do you still have it?
 2 A. I believe that I do, yes.
 3 Q. Did you have internet service on May 31st of 2008?
 4 A. I'm trying to think back. I was living at my parents'
 5 house. It may have been their desktop that I used. But,
 6 yes, I had internet service.
 7 Q. Who provided the internet service?
 8 A. It was to my parents' house on that date, and if there was
 9 internet service on that date, it probably would have been
 10 Wow, I believe.
 11 Q. Who was your service provider for the laptop?
 12 A. On May 31st, 2008?
 13 Q. Yes.
 14 A. I don't think I had it for the laptop, now that I'm
 15 thinking back, because I was residing with my parents.
 16 Q. On May 31st of 2008, did you own a cellphone?
 17 A. Yes.
 18 Q. Who was your cell service provider?
 19 A. Sprint.
 20 Q. What was your cellphone number at that time?
 21 A. 248-506-2239.
 22 Q. On May 31st, 2008, did you have a Facebook page?
 23 A. In 2008? I don't believe I did.
 24 Q. Do you currently have a Facebook page?
 25 A. Yes.

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1 A. Approximately one hour.
 2 Q. Where were you before you were at the bar?
 3 A. At Cliff Bell's listening to live jazz in Detroit. I
 4 believe that's on Park Street.
 5 Q. How long were you there?
 6 A. Approximately one hour.
 7 Q. Where were you before Cliff Bell's?
 8 A. I had gone to a place called Detroit Pub on Brush and
 9 Gratiot in Detroit with my brother Mark, who drove us to
 10 the Detroit Pub, just him and I, to watch the Pistons game,
 11 and I think it was the Eastern Conference Finals.
 12 Q. Who were they playing?
 13 A. Celtics.
 14 Q. Do you know what game?
 15 A. Five or six. I know the Pistons lost, I'm pretty sure.
 16 Q. How long were you there?
 17 A. Geez, I think the game started -- it was a later game; I
 18 think it started around 8:30. I think we got there around
 19 9:15, and Angie met us down there probably around 11:15,
 20 11:30.
 21 Q. What's Mark's last name?
 22 A. Kaiser.
 23 Q. Did you have any intoxicating liquor while you were at the
 24 Detroit Pub?
 25 A. I had liquor, that had alcohol content.

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1 Q. Have you ever discussed the Contemporary Art Institute of
 2 Detroit on your Facebook page?
 3 A. No.
 4 Q. Do you have a MySpace page currently?
 5 A. No.
 6 Q. How did you get -- strike that.
 7 What mode of transportation did you use to get to
 8 the Contemporary Art Institute of Detroit on May 31st,
 9 2008?
 10 A. Motor vehicle.
 11 Q. Who was the owner of that motor vehicle?
 12 A. I believe that Angie Wong is the owner of that motor
 13 vehicle.
 14 Q. Who was the driver of that motor vehicle?
 15 A. Angie Wong.
 16 Q. She was driving that night, May 31st, 2008?
 17 A. She drove us to the CAID.
 18 Q. To the CAID. Prior to May 31st of 2008, had you ever been
 19 to the Contemporary Art Institute of Detroit?
 20 A. No.
 21 Q. On May 31st of 2008, where were you coming from immediately
 22 before you arrived at the CAID?
 23 A. We were coming from a bar called Whiskey in the Jar,
 24 located on Yemans Street in Hamtramck.
 25 Q. How long were you there?

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1 Q. What did you have to drink?
 2 A. At the Detroit Pub, I had I believe my first drink was a
 3 Red Bull and -- sugar free Red Bull and Stoli. And the
 4 second drink was a beer.
 5 Q. That was your first drink?
 6 A. That was my first drink.
 7 Q. How many drinks did you have total?
 8 A. At the Detroit Pub?
 9 Q. Yes. Yes, sir.
 10 A. Two, I believe.
 11 Q. What was your second drink?
 12 A. A beer.
 13 Q. What kind?
 14 A. I can't recall. It was probably a local beer that they had
 15 on tap, but I don't specifically recall.
 16 Q. Was it a bottle or mug or glass?
 17 A. I believe it was a glass.
 18 Q. How tall was the glass?
 19 A. Probably a pint.
 20 Q. How did you get from Detroit Pub to Cliff Bell's?
 21 A. I believe that Angie, when she came downtown to meet us,
 22 that she drove to that area, or we walked. I can't recall.
 23 Q. What kind of car was Angie driving?
 24 A. Ford Mustang.
 25 Q. What color?

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1 A. Black.

2 Q. Did Angie have anything to drink at the Detroit Pub?

3 A. I don't know. She didn't come inside, actually; we just

4 came out to her. So she did not have anything to drink at

5 the Detroit Pub.

6 Q. Did Mark accompany you to Cliff Bell's?

7 A. Yes.

8 Q. Was there anyone else with you besides your brother and

9 Angie Wong?

10 A. No.

11 Q. Did you have anything to drink at Cliff Bell's?

12 A. Yes.

13 Q. What did you have to drink at Cliff Bell's?

14 A. I had one beer.

15 Q. Glass or bottle?

16 A. I believe it was a glass.

17 Q. How big was it?

18 A. I believe it was a pint.

19 Q. Did Angie have anything to drink?

20 A. I don't recall if she had something to drink at

21 Cliff Bell's.

22 Q. By something to drink, did she have any intoxicating

23 liquor?

24 A. I don't recall if she had something.

25 Q. You stayed there for one hour?

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1 A. Yes.

2 Q. You rode with Angie to the CAID in her vehicle?

3 A. Yes, as well as my brother.

4 Q. He was also in the car with the two of you?

5 A. Yes, on the way from Whiskey in the Jar to the CAID.

6 Q. What did you do with his car?

7 A. We parked it in Hantramck.

8 Q. Prior to stepping inside of the CAID, had you or

9 Angie Wong -- strike that.

10 Prior to stepping inside the CAID, had you had

11 any unlawful narcotics?

12 A. No.

13 MS. BRUNER-JAMES: Objection; relevance.

14 BY MR. ASHFORD:

15 Q. Prior to you stepping into the CAID on May 31st of 2008,

16 did you see Angie Wong use any unlawful narcotics?

17 MS. BRUNER-JAMES: Objection as to foundation.

18 THE WITNESS: No, I did not see her use any

19 unlawful narcotics.

20 BY MR. ASHFORD:

21 Q. Prior to stepping into the CAID on May 31st of 2008, did

22 you see your brother Mark use any unlawful narcotics?

23 MS. BRUNER-JAMES: Objection as to both relevancy

24 and foundation.

25 THE WITNESS: No.

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1 A. Yes.

2 Q. And then you proceeded to another bar called Whiskey in the

3 Jar?

4 A. That's correct.

5 Q. Did you have anything to drink there?

6 A. I had one beer.

7 Q. A pint?

8 A. No, a bottle.

9 Q. A bottle?

10 A. Yeah.

11 Q. So you had a bottle of beer?

12 A. Yes. It's more of a dive bar there. I think it was like

13 Stroh's.

14 Q. Did Angie have anything to drink there?

15 A. I believe that she did have a drink there of alcohol.

16 Q. Do you know what kind of drink she had?

17 A. I can't recall.

18 Q. How did you get from Cliff Bell's to Whiskey in the Jar?

19 A. Cliff Bell's to Whiskey in the Jar, we took two cars. I

20 went with my brother, Mark, in his car.

21 Q. And Mark drove that car?

22 A. Yes.

23 Q. And Angie drove her car?

24 A. Yes.

25 Q. Did your brother go to the CAID, too?

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1 BY MR. ASHFORD:

2 Q. How long did it take you to get from the bar Whiskey in the

3 Jar to the CAID?

4 A. Approximately 15 minutes.

5 Q. Where did you park?

6 A. We came up Rosa Parks, going north, and we parked on the

7 east side of Rosa Parks.

8 Rosa Parks is -- the CAID is on Rosa Parks,

9 correct?

10 Q. Yes.

11 A. So we parked on the east side of Rosa Parks just probably

12 30 yards or so south of CAID.

13 Q. Were you on the side of the building where you go into the

14 door of CAID?

15 A. That's on Rosa Parks. It's right kind of on the corner.

16 Q. I'm going to show you what's been marked as Defendant's

17 Exhibit No. 3. Do you recognize that image in

18 Exhibit No. 3?

19 A. Well, I will tell you what, there is not that much in the

20 image.

21 Q. Do you recall going through that door that's depicted in

22 Exhibit No. 3 on May 31st of 2008?

23 A. Where is this door located?

24 Q. Well, really, my question to you is do you recognize it?

25 A. I'm assuming that that's the CAID, Contemporary Art

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Institute of Detroit, and I would like to see the whole building in perspective to show you which door we went in. There is not much being depicted in this picture other than an entryway.

Q. So you can't tell me?

A. I could tell you that when we parked our car, we walked up on the opposite side of the street as the CAID. And before we got to the next street, we crossed over and went in that door, which I believe is on the -- it would be on the east side of the building.

And if you have ever been on Rosa Parks, which I was that night, at 1:15 in the morning, it's not very well lit; there is not many lights. And I'm not sure if this picture was taken at night or during the day. But it was very dark as you are walking up to the building.

Q. Okay.

A. And there is not much in terms of street lighting on that street in those blocks.

Q. So what happened after you parked?

A. We got out of the vehicle and walked up to the building.

Q. When you say we, you are also speaking of Mark and Angie Wong, correct?

A. That's correct, the three people that were in the car.

Q. And when you got to the building, what happened?

A. We stood in a very -- it seemed to be -- there seemed to be

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before you entered?

A. I did not pay the fee.

Q. Do you know how much the fee was?

A. I was told, I believe, that it was five dollars.

Q. And you've testified you don't know if that five dollars was a membership fee or for admittance into the party?

A. That's correct. And I was told by Angie that she paid the fee.

Q. Was your hand stamped at all as you entered into the CAID?

A. My hand was not stamped; I believe that I got a wrist band.

Q. What did the wrist band -- strike that.

Why were you given a wrist band, if you know?

A. I do not know.

Q. Can you describe the inside of the CAID as you stepped in.

A. We stepped in, and as we entered, my brother had purchased -- I'm assuming purchased; he said he paid for a beer in and to the right a little bit. He handed me the beer, and we stepped and went to the left after going in the door.

Q. So he handed you a beer?

A. Yes.

Q. But you did not personally purchase the beer?

A. That's correct.

Q. And you did not personally go up to the counter where the beer was being sold?

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a couple people at the entryway of the door. I think -- I'm assuming that there is about one or two that were working at the door, and then I'm assuming that there is a couple people about to enter the door.

Q. Was there a line to get in?

A. Other than a couple people, I don't believe there was a line.

Q. Do you recall who entered first of the three of you, Mark, Angie and yourself?

A. I believe that Angie went in first. She paid for us, and I believe that I went in last.

Q. How were you dressed?

A. I was wearing a black long sleeved shirt and Jeans.

Q. How was Angie dressed?

A. I know she was wearing white high-heeled shoes, I think lighter in color.

Q. Did she have a dress or did she have a blouse? What kind of dress did she have? What kind of clothing was she wearing?

A. I think she was wearing like lighter jeans, I believe. You are asking two years ago what everybody was wearing and clothing on a particular night. But I think I do recall that she was wearing white jeans.

Q. So when you entered -- strike that.

Before you entered, did you have to pay the fee

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A. That's correct.

Q. Okay. At any place in the CAID, did you see a liquor license?

A. I did not see nor was I looking for a liquor license.

Q. Do you know if they had a liquor license?

A. I do not know.

Q. Did you see a City of Detroit dance permit?

MS. BRUNER-JAMES: I object as to foundation.

THE WITNESS: I did not see --

MR. ASHFORD: I want to strike that, actually.

Let me ask the question again.

THE WITNESS: Okay.

BY MR. ASHFORD:

Q. Did you see a City of Detroit dance hall permit?

MS. BRUNER-JAMES: Objection as to foundation.

BY MR. ASHFORD:

Q. Go ahead.

A. I did not look for nor did I see a dance hall permit.

Q. Do you know if they had one?

A. I have no knowledge.

Q. Do you know if the CAID had a City of Detroit business license?

A. I have no knowledge.

Q. Did you see a City of Detroit business license at the CAID on May 31st, 2008?

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1 MS. BRUNER-JAMES: I object as to foundation.
 2 THE WITNESS: I didn't look for nor did I see a
 3 business license for the City of Detroit.
 4 BY MR. ASHFORD:
 5 Q. So when your brother handed you the beer, where is Angie at
 6 that point?
 7 A. She was standing next to me.
 8 Q. So what happened after he handed you a beer?
 9 A. We walked to the left, and it was basically a hallway, and
 10 it opened up to the room. We were on the Rosa Parks' side
 11 of the building, I believe, so the room opened up to the
 12 right in the back, a large, I don't know, a gallery room.
 13 Q. Where was the dancing occurring?
 14 A. The dancing was occurring throughout the room more in the
 15 center, I would say. Well, but throughout the entire room
 16 there was a DJ, and I believe he had turntables and
 17 speakers. As the room opened up, he was to the right. And
 18 then there was a back door further back in the back of the
 19 room.
 20 Q. As you came through the door of the room where the DJ was,
 21 where would this door to the outside have been? Would it
 22 have been to your right, left or straight ahead?
 23 A. It was on the south wall, I believe. Yeah, the south wall.
 24 Q. So what direction would that be if I was coming through the
 25 door of that room, right or left or straight ahead?

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1 wooden fence.
 2 Q. Were there a lot of people out there in the terrace or
 3 outside?
 4 A. What would you define as a lot of people?
 5 Q. I will take your definition, whatever you consider to be a
 6 lot of people.
 7 A. I would say that I didn't actually count the number of
 8 people, but I would say anywhere from 30 to 50 people.
 9 Q. How long were you out there before the Detroit police
 10 officers entered into the building approximately?
 11 A. Probably five minutes to seven minutes.
 12 Q. During the time that you were on the property of or
 13 premises of the Contemporary Art Institute of Detroit, did
 14 you see any unlawful conduct?
 15 MS. BRUNER-JAMES: Objection as to foundation.
 16 THE WITNESS: No.
 17 BY MR. ASHFORD:
 18 Q. Did you see anyone using unlawful narcotics?
 19 MS. BRUNER-JAMES: Objection as to foundation.
 20 BY MR. ASHFORD:
 21 Q. Did you see any underage minors being served or buying
 22 intoxicating liquor?
 23 MS. BRUNER-JAMES: Objection as to foundation.
 24 THE WITNESS: I wouldn't know who was underage
 25 unless I checked their ID, I guess. But I assumed that

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1 A. Well, it wasn't exactly straight ahead, but I would say --
 2 because I was walking south down the corridor, and the room
 3 opened up.
 4 Q. Okay.
 5 A. And the door's on the south wall.
 6 Q. South wall?
 7 A. Yeah.
 8 Q. I understand. And when you came into -- when you first
 9 entered the CAID to get to the room where the DJ was, you
 10 would have made a left, correct?
 11 A. That's correct.
 12 Q. Did you stay --
 13 A. I had not been back to the CAID since this happened.
 14 Q. So when you were -- strike that.
 15 You were in the room with the DJ, correct?
 16 A. Just for a minute.
 17 Q. And then you proceeded outside?
 18 A. That's correct.
 19 Q. And I'm going to show you what's been marked as Defendant's
 20 Exhibit No. 4. Do you see the outside area where you were
 21 on the night of May 31st, 2008, in Defendant's
 22 Exhibit No. 4?
 23 A. Once again, this doesn't encompass the entire building,
 24 this picture. To get spacial relationship, I'm going to
 25 assume it's on the left side of the picture beyond the

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1 everybody -- whoever was drinking was probably legally
 2 allowed to drink.
 3 BY MR. ASHFORD:
 4 Q. Did you see anyone in attendance at the CAID purchasing or
 5 being served intoxicating liquor after 2:00 a.m.?
 6 A. I entered the building very close to two. I believe it was
 7 probably about 1:55. We proceeded -- my brother purchased
 8 the beer, and I believe it was before two. And we walked
 9 towards into the CAID and then out into the back. And it
 10 may have been after two, but I wasn't aware of what was
 11 going on at the bar area inside the CAID after 2:00.
 12 Q. Currently, how old is your brother?
 13 A. He was born in '61, January 18, 1961, so he will be 50 in
 14 January.
 15 Q. And you have no personal knowledge of what was -- what had
 16 occurred at the CAID before you entered into the CAID?
 17 A. Other than being aware of the name of the CAID,
 18 Contemporary Art Institute of Detroit, I had just assumed
 19 it was an art gallery, art institute type of establishment
 20 where events take place.
 21 Q. Okay. But on May 31st of 2008, before you entered at
 22 approximately 1:50 a.m., you had no personal knowledge of
 23 what had occurred at that location prior to your entering
 24 into the building?
 25 A. I knew that Angie had told me that they had music playing

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1 there that night, but prior -- and that was -- she just
 2 explained that to me, you know, an hour before or so.
 3 Q. But you had no personal knowledge of that, though, correct?
 4 A. That's correct.
 5 Q. So what happened when the Detroit police officers came in?
 6 A. I was in the back in that court yard, and we were talking
 7 to each other. And we were towards the back fence, the
 8 south fence, closer to Rosa Parks. And I know now that
 9 they were Detroit police officers that came in, but there
 10 were several masked people rushing in with guns and lights,
 11 many lights are attached to the guns, screaming to get the
 12 fuck down. Yelling for people to get down.

13 And when you say what did they do when they came
 14 in, they were basically running, you know, screaming, with
 15 lights and guns pointed.

16 Q. Then what happened?

17 A. They continued in and threatened people to get down.
 18 People started going to the ground.

19 Q. Did you know they were police officers at this time?

20 A. No. When they were rushing in, I didn't know what it was.

21 Q. Did they announce that they were police officers, Detroit
 22 police officers?

23 A. I heard -- there was a lot of commotion. There was a lot
 24 of screaming, and there was a lot of loud voices yelling to
 25 get down and get the fuck down. And I didn't hear anybody

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1 A. Some of the attire is the same. I didn't see a standard
 2 uniform on every officer that came into the CAID. But
 3 these officers in this picture -- granted, it doesn't show
 4 the -- all the officers that obviously were involved in the
 5 raid; they appear to be wearing the same uniform. But it's
 6 also a grainy and dark picture.

7 You are taking three officers out of a group of
 8 probably 40 that raided. These are -- I don't know if
 9 these guys were stationed outside before the raid or if
 10 they were part of the raid. But I was -- they appear to be
 11 wearing the same uniform.

12 Q. Thank you. Mr. Kaiser, I'm going to show you what's been
 13 marked Defendant's Exhibit No. 8. Prior to May 31st of
 14 2008 -- strike that.

15 I'm showing you what's been marked as Defendant's
 16 Exhibit No. 8. Prior to entering the CAID, had you ever
 17 seen that advertisement?

18 A. No.

19 Q. Your earlier testimony was that you did not return to the
 20 CAID subsequent to May 31st of 2008, is that correct?

21 A. That's correct.

22 Q. So you did not attend Halloween Funk Night then?

23 A. That's correct.

24 Q. So you were telling me that these officers were coming in
 25 with their guns pointed at you and flashlights. What

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1 say it's the police or anything similar to that.

2 Q. How were they dressed?

3 A. Most were dressed in all black. Most of them had masks
 4 covering their faces.

5 Q. The entire face?

6 A. Well, they needed someplace to see. They had it almost
 7 like in the old west, like a bandana covering up to maybe
 8 the top of their nose. I seen a few like that. Some had
 9 camouflage-style dark outfits on. Some had all black in
 10 terms of the mask. A few had uncovered -- they weren't
 11 covering their faces.

12 It was very shocking, and it happened very
 13 quickly, them coming in, announcing who they are. A lot of
 14 loud screaming from the people that were coming into the
 15 place with, you know, guns pointed at you and scopes and
 16 flashlights on the guns pointed at you. It's hard to like
 17 stop and like figure out what's happening when you are in
 18 that kind of shock.

19 Q. I'm going to show you what's been marked as Defendant's
 20 Exhibits 5, 6 and 7. And what I'm interested in these
 21 exhibits is the gentleman standing outside the building and
 22 how they are dressed.

23 Can you tell me if you see the same attire that
 24 you -- in the exhibits that you saw on May 31st of 2008,
 25 the same police attire?

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1 happened after that?

2 A. I had been explaining that people started going to the
 3 ground.

4 Q. Were you still outside at this time?

5 A. Yes, I was.

6 Q. Then what happened?

7 A. I thought it would be in my best interest to get down,
 8 also, so I -- I -- what I did was, I kneeled to the ground,
 9 put my hands on top of my head.

10 Q. What do you mean kneel? Did you squat or did you get on
 11 your knees?

12 A. I got on my knees. And I hunched forward with my hands on
 13 my head, both my hands visible for the officers to see that
 14 I wasn't threatening in any way; I leaned forward.

15 The reason I didn't go entirely to the ground,
 16 because there had been quite -- quite a bit of rain that
 17 had occurred earlier in the day, and it was a pretty muddy,
 18 dirty condition in that back courtyard. So I had my hands
 19 on top of my head and hunched forward while I was kneeling
 20 down on the ground.

21 Q. Then what happened?

22 A. The officers, once they got control of the situation where
 23 everybody was down, came around -- it was hard, you know,
 24 when you are in that situation; I wasn't really willing to
 25 move my head around and take a look to see what's

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1 happening.

2 I continued staring at the ground with my hands
3 on my head, elbows forward, kneeling down. And an officer
4 came over to my body and started searching my pockets,
5 going into my pockets. And I explained to the officer, I
6 said, "My name is Paul Kaiser; I'm an attorney. My ID and
7 my Bar cards are in my wallet. Can you please tell me
8 what's going on here?"

9 Q. Why did you tell him you are an attorney?

10 A. Because, as an officer of the court, you think that maybe
11 they will show a little bit of respect and just explain
12 what's happening. And the fact that I had my Bar card with
13 me, I thought maybe they would at least explain to me
14 what's happening.

15 You want to know what happened instead?

16 Q. Then what happened?

17 A. Yeah, then I -- one of the officers proceeded to kick me
18 several times in the back until I got down to the ground,
19 and then stepped on me.

20 Q. What officer was that? Can you identify that officer?

21 A. I wish I could, but I was scared for my life; I didn't want
22 to even take a look. I'm facing forward, and I'm getting
23 kicked down.

24 Q. So, Mr. Kaiser, you do not know that police officer's name?

25 A. No, I don't.

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1 My concern was not getting kicked again and doing whatever
2 I needed to do to not get kicked again.

3 Q. When he stepped on you, did you feel any pain?

4 A. I think I answered the question the best that I could. It
5 wasn't -- pain wasn't flowing through my body at that time.
6 My adrenaline was going pretty quick. Most people don't
7 feel that type of pain in a fight-or-flight situation like
8 that. And I don't think that -- I wasn't concerned about
9 feeling pain by this guy; I was concerned for my safety.
10 And that wasn't the thing I was thinking about.

11 Q. Did you eventually feel pain on your back?

12 A. Yes, I did.

13 Q. When?

14 A. Later that night.

15 Q. Did you eventually feel pain in your left shoulder?

16 A. Yes.

17 Q. And when did you start feeling that pain?

18 A. Like -- actually, it was the morning time, so later that
19 morning on both occasions.

20 Q. When did you first treat -- strike that.

21 When did you first seek treatment for the pain in
22 your back?

23 A. I was hoping that this would be something that would just
24 go away; I didn't expect it to linger around. I thought
25 maybe the back pain or the shoulder pain would go away, so

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1 Q. You do not know his badge number?

2 A. No, I don't. They wouldn't tell me why they were doing the
3 raid; I wasn't about to ask for a badge number after
4 getting kicked down to the ground like that.

5 Q. Were you injured as a result of the officer kicking you?

6 A. Yes.

7 Q. And how were you injured?

8 A. My back and my left shoulder.

9 Q. How was your left shoulder injured?

10 A. When I came forward, I put -- and he stepped on me, I had
11 my left hand on the ground, and it just -- the weight and
12 the pressure did something to my left shoulder as I was
13 trying to brace myself going down to the ground.

14 Q. Where did he step on you?

15 A. My back.

16 Q. What part of your body? So the injury you suffered, is
17 that from him stepping on your back, or is it from him
18 kicking you?

19 A. I would -- I can't separate the two.

20 Q. Well, did you feel pain when he kicked you?

21 A. I wasn't feeling any pain at that time; I was in shock. It
22 was a very traumatic experience, going through something
23 like that. And you are just hoping that everything works
24 out okay.

25 That's not the first thing I was concerned about.

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1 I was taking over-the-counter Advil and Aleve to deal with
2 it.

3 Eventually - it's in my medical records - I

4 probably went five to six days later. When the pain didn't
5 subside, that's when I checked it out with the doctor.

6 Q. When you went to go see the doctor regarding your back, did
7 you also go see him regarding your left shoulder?

8 A. Yes.

9 Q. So you are laying in the mud. Do you still have your hands
10 on your head?

11 A. No, they cuffed me.

12 Q. Do you know the name or badge number of the officer that
13 cuffed you?

14 A. No. Once again, I wasn't concerned at that point with
15 obtaining names and badge numbers. And I wasn't worried
16 about looking around to see what was happening, because it
17 was a very threatening situation. I was doing whatever I
18 could to avoid any altercations.

19 Q. Did you see any -- strike that.

20 Besides what you've told me today about your own
21 situation, did you see any other physical abuse by Detroit
22 police officers?

23 A. I saw to the right of me where Angie was, her get kicked
24 forward to the ground, too.

25 Q. Can you describe to me how that happened in more detail?

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1 A. She was kneeling down, too, with her hands up. And I
2 heard -- I heard what happened.
3 Q. Tell me what you heard.
4 A. A female officer said, "You think you are too pretty to get
5 in the dirt, bitch?" and kicked her, so she went down.
6 They didn't cuff her; they cuffed me.
7 Q. Then what happened?
8 A. They continued taking or searching all the patrons that
9 were outside, from what I did see.
10 Q. Besides the verbal abuse directed towards Angie, did you
11 hear any other verbal abuse directed towards any of the
12 other attendees from Detroit police officers?
13 A. I was focused more on what was happening with us than what
14 was going on around the yard. So I wasn't really looking
15 for any or paying attention to that; I was concerned about
16 us.
17 Q. Do you know how long you were down on the ground outside?
18 A. Twenty minutes.
19 Q. Did they eventually move you inside the building?
20 A. That's correct.
21 Q. And then what happened?
22 A. They had everybody go into that gallery that I --
23 everybody -- all the men were in that gallery.
24 Q. That's the room where the DJ was?
25 A. Yes. And the women were taken to another portion of the

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1 A. They called our names, and they would call a few names at a
2 time. They had a table set up to where that hallway was,
3 and they had an officer seated there, like an assembly
4 line. They will give you -- return valuables back and hand
5 you a ticket, one after the other.
6 Q. So they had taken the valuables off of you?
7 A. Anything that you had in your pockets, yeah.
8 Q. Did they actually take the property off of you?
9 A. I didn't -- yeah, I wasn't touching it myself. They took
10 it out of my pockets.
11 Q. You did not give them anything?
12 A. I didn't give them anything.
13 Q. So when you were called up, what happened to you
14 personally?
15 A. Stood in a line, got my valuables. The officer was talking
16 about what you would do with the car situation. I wasn't
17 concerned with that because I didn't have a vehicle there.
18 And she wrote me up -- gave me the ticket.
19 Q. Okay.
20 A. My handcuffs were -- if you want to know about the handcuff
21 thing. My handcuffs were taken off shortly before that.
22 Q. When were your handcuffs taken off? Since you brought it
23 up.
24 A. All right. After kneeling in that gallery for 30 minutes
25 with these handcuffs on my back, and most of the officers

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1 art gallery, which I had not seen and I didn't know where
2 they had gone.
3 Q. So then what happened?
4 A. They had us all kneel down and face forward to where that
5 DJ area was located. And they told us, "Don't look around
6 and don't talk." And I continued kneeling in handcuffs
7 during this time.
8 Q. Why were you kneeling?
9 A. Because they told us to kneel.
10 Q. So all of you were kneeling?
11 A. I'm not sure if all of us were kneeling. It may have
12 been -- they told us to sit, and it may have been with
13 handcuffs behind my back. It probably was the reason I was
14 kneeling because I had the cuffs on and trying to get down
15 and sit like Indian style or something.
16 Q. Did you see anyone else with cuffs on besides yourself?
17 A. I thought I saw one or two other people who had cuffs on.
18 Q. How long were you kneeling, approximately?
19 A. Until I left. There was a moment where I used a porta-john
20 restroom. And then, other than that, I was kneeling the
21 entire time.
22 Q. At some time -- at some point did the Detroit police
23 officers call you up?
24 A. Yes, they did.
25 Q. Tell me about what happened when they called you up.

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1 chit-chatting behind us and knowing that this is not a
2 threatening situation for them at this point, I asked a
3 female officer if I could speak to her for a moment.
4 ~~And I asked and I explained to the female~~
5 officer -- I explained to her why the handcuffs were put on
6 me, and that I was in the back yard, and I'm assuming they
7 were put on because I wasn't face down in the mud
8 initially. And they kicked me down and put the handcuffs
9 on. I said, "Could you please take them off?" And she
10 took them off of me.
11 Q. Do you know what police officer that was?
12 A. She was a white woman, probably in her mid thirties. She
13 walked back to where all the officers were sitting or
14 standing in the -- on the opposite side of the gallery as
15 where the DJ was facing. And then somebody said something
16 to her, and she came back over to me and she said, "I'm
17 sorry, I was told that I have to keep these on you." And
18 she put them back on me. Little did she know, she put them
19 on even tighter than the first time.
20 Q. Did you complain to her?
21 A. Well, another 20 minutes or so went by, and I asked another
22 officer to use the restroom. And I explained -- yeah, I
23 had complained to her; that's why she took them off of me,
24 because they were on so tight.
25 Q. I understand once she put them on and you said they were

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even tighter, did you complain to her they were tighter?

A. This is the thing, I wasn't trying to cause any type of disturbance. I didn't want anybody to try to get upset with me. I tried to just reason and try to explain what happened. So I wasn't about to just turn around and ask her to come back over.

But what I did about 20 minutes later or so, I asked, because they started to allowing people that had to use the restroom. We had been there so long, they had escorted them to the porta-potties in the back yard. I asked one officer to let me use the restroom. And I explained my circumstances to him, and I said, "Listen, I gave them my name. I told them I was an attorney; I practice at 36th District Court. We just got here in the last within five minutes of you guys coming into this place; I was here to pick up a friend." And I reasoned with him, and he took them off. And he had to take them off anyway for me to go to the bathroom. He left them off and let me go back. And that was quite a relief after being in those handcuffs that long of a time.

Q. The Detroit police officer that took off the handcuffs, do you know his name?

A. No.

Q. Or his badge number?

A. No. He was a black guy.

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today. Plaintiffs didn't receive a copy of the subpoena that, as I understand it, resulted in defendants obtaining these documents.

So, for the violation of Rule 45, I'm objecting to these exhibits. However, in order to not have to call subsequent depositions, but without waiving the objection, I have allowed the witnesses to view them and comment on them.

THE WITNESS: I don't know what a U-ticket is, by the way.

BY MR. ASHFORD:

Q. That's okay.

A. I just know it's a misdemeanor.

Q. You never heard the misdemeanor ticket that I showed you as Defendant's Exhibit No. 2 referred to as a U-ticket?

A. That's correct.

Q. But you do recognize it as a type of ticket that's given for criminal misdemeanor?

A. That's correct.

Q. How long before you received your possessions back were the handcuffs off approximately?

A. Fifteen minutes.

Q. After you received your possessions back, then what happened?

A. We walked outside.

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Q. Can you give me any further description of him?

A. No, but he was about the only guy that was reasonable by feeling -- just my feelings in that place.

Q. Now, you practice at 36th District Court, correct?

A. Occasionally I'm down there.

Q. When you have practiced at the 36th District Court, have you practiced as house counsel?

A. No.

Q. Have you represented clients on misdemeanor -- criminal misdemeanor charges?

A. Yes.

Q. So the ticket that you were given on May 31st, 2008, at the CAID, you recognize as being a misdemeanor U-ticket?

A. Yes.

Q. Also called a green ticket, correct?

A. A misdemeanor U-ticket? I knew it was a misdemeanor, and I knew it was for loitering at a place of illegal occupation.

Q. We are referring to Defendant's Exhibit No. 2. This is the type of ticket you received, correct, with the charge loitering at a place of illegal occupation?

A. That's correct.

MS. BRUNER-JAMES: Quickly, I just want to place on the record, since we are referring to an exhibit, that yesterday was the first time plaintiffs saw the documents that are marked as exhibits, both through yesterday and

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Q. Who is we?

A. My brother and I. I'm sorry, Mark.

Q. Did he receive his possessions back before you received your possessions back or at the same time?

A. They called us both together. I believe it was approximately the same time. I don't know which one was first.

Q. And you walked out of the CAID?

A. That's correct.

Q. And then what happened?

A. We started looking for Angie, and we found her.

Q. Where was she?

A. She was further south on Rosa Parks, and she came up to us. There was a lot of commotion out there with all the vehicles probably that were towed or in the process of being towed.

Q. What did she say to you when she walked up to you?

A. "They towed my car."

Q. Then what happened?

A. Then we -- we had concluded that we are going to have to go to find a ride. So I can't recall if we called a taxi or we found a taxi a couple blocks away.

Q. What time of the morning was this?

A. I think it was close to five.

Q. And you were able to get a taxi?

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1 A. We were able to find a taxi.
 2 Q. And then what happened?
 3 A. We took the cab and drove to -- took the taxi, the three of
 4 us, and went back to Hamtramck and picked up my brother's
 5 car.
 6 Q. And then what happened?
 7 A. And my brother -- we were still worked up from the entire
 8 incident.
 9 Q. What do you mean worked up?
 10 A. Upset about it. And we decided to go get something to eat
 11 at that point.
 12 Q. Where did you go?
 13 A. We went to Brey's hamburgers on Nine Mile and Dequindre.
 14 Q. How long did you stay there?
 15 A. Like 30 minutes.
 16 Q. Then what happened?
 17 A. Went home.
 18 Q. How did Angie get home?
 19 A. I believe that -- I believe that my brother drove to my
 20 parents' house, and then I drove her to her parents' house.
 21 Q. So you used your brother's car to take her home?
 22 A. No, my car.
 23 Q. Because your car was at your parents' home?
 24 A. That's correct, because I moved in with them a short time
 25 during my divorce.

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1 BY MR. ASHFORD:
 2 Q. Do you recall her pleading no contest to any criminal
 3 misdemeanor charge?
 4 MS. BRUNER-JAMES: Objection; relevance.
 5 THE WITNESS: The same answer would apply. Keep
 6 in mind, also, as an attorney, I handle a lot of different
 7 cases, and a huge -- it's difficult to recall specifically
 8 details of any single case. But I don't -- I don't believe
 9 that she's ever been convicted, pled no contest, been found
 10 guilty of any criminal misdemeanor charges in 36th District
 11 Court.
 12 BY MR. ASHFORD:
 13 Q. Do you know if she's ever taken a plea under advisement for
 14 any criminal charge at 36th District Court?
 15 MS. BRUNER-JAMES: Objection; relevance.
 16 THE WITNESS: I do not know. With me as her
 17 attorney, I can almost think no, that she hasn't. I don't
 18 have any personal knowledge if I wasn't her attorney. Is
 19 that satisfactory?
 20 BY MR. ASHFORD:
 21 Q. Have you ever represented her in any court in the State of
 22 Michigan on any criminal charge?
 23 MS. BRUNER-JAMES: Objection; relevance.
 24 THE WITNESS: Other than 36th District Court,
 25 yes.

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1 Q. Have you ever represented Angie at 36th District Court?
 2 A. Yes.
 3 Q. On what kind of charge?
 4 ~~MS. BRUNER-JAMES: Objection; relevance.~~
 5 THE WITNESS: There may have been a speeding
 6 ticket and there may have been like a loitering ticket, but
 7 I can't recall specifically what charges that I've appeared
 8 for her.
 9 BY MR. ASHFORD:
 10 Q. Was she convicted of any criminal misdemeanor charges that
 11 you are aware of?
 12 MS. BRUNER-JAMES: Objection; relevance.
 13 THE WITNESS: In 36th District Court, I don't
 14 believe that she has been convicted of any criminal
 15 misdemeanor charges that I'm aware of.
 16 BY MR. ASHFORD:
 17 Q. Do you know if she pled guilty or no contest to any
 18 criminal misdemeanor charges at the 36th District Court?
 19 MS. BRUNER-JAMES: Objection; relevance.
 20 THE WITNESS: I can't recall whether -- I think
 21 my previous answer would apply to this question, too, but I
 22 don't recall her pleading guilty or being found guilty in
 23 any criminal misdemeanor in 36th District Court. To the
 24 best of my recollection.
 25

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1 BY MR. ASHFORD:
 2 Q. What kind of charge was it?
 3 A. Oh, gosh, I --
 4 ~~MS. BRUNER-JAMES: Objection; relevance.~~
 5 THE WITNESS: I know traffic violations, civil
 6 infractions. And there is -- was a misdemeanor in
 7 Oak Park.
 8 BY MR. ASHFORD:
 9 Q. What kind of misdemeanor was it?
 10 A. Impaired driving.
 11 Q. Have you ever represented her on any felony case?
 12 MS. BRUNER-JAMES: Objection; relevance.
 13 THE WITNESS: No.
 14 BY MR. ASHFORD:
 15 Q. And the only misdemeanor that you are aware of outside of
 16 Detroit is in Oak Park, is that correct?
 17 A. Yes.
 18 Q. Did you have any role in helping Angie to recover her
 19 vehicle?
 20 A. Yes.
 21 Q. What role did you play?
 22 A. I drove her, because she didn't have a vehicle, down
 23 to police headquarters at the time on Beaubien, and then to
 24 the prosecutor's office at Frank Murphy, and then to the
 25 impound lot.

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1 Q. Okay.
 2 MS. BRUNER-JAMES: Can we take a quick break? I
 3 think I'm needed for a second.
 4 MR. ASHFORD: I only have about five more
 5 minutes; I'm really close.
 6 (Recess taken.)
 7 MR. ASHFORD: Back on the record.
 8 BY MR. ASHFORD:
 9 Q. I believe we were talking about the role you played in
 10 helping Angie recover her vehicle. And you told me that
 11 you drove her to certain places: 1300 Beaubien, which is
 12 Detroit police headquarters, and also Wayne County
 13 Prosecutor's Office and the tow yard.
 14 A. That's right. And I went into each place with her.
 15 Q. I'm assuming you went to the Wayne County Prosecutor's
 16 Office first, is that correct?
 17 A. I think we went to the police department, and they sent us
 18 over to the Wayne County Prosecutor's Office.
 19 Q. You went to the Detroit Police Department headquarters?
 20 A. Yeah.
 21 Q. And what happened?
 22 A. I can't recall if they -- they directed us over to Wayne
 23 County Prosecutor's Office, I believe.
 24 Q. Okay. So then you went to the Wayne County Prosecutor's
 25 Office?

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1 not mine.
 2 Q. Well, as her friend, did you think she should fight it, or
 3 did you give her advice to fight it?
 4 A. Knowing how things happen in the city, my recommendation
 5 was just to pay it and get the car back. My understanding
 6 was if you try to contest or appeal this, that your car is
 7 going to be -- continue to be impounded. I don't know if
 8 that's correct or not, but that is what my understanding
 9 is.
 10 Q. Had you ever represented anyone in one of these actions
 11 against the Wayne County Prosecutor's Office?
 12 A. No.
 13 Q. And so you watched her pay the \$900, and then what
 14 happened?
 15 A. They gave us some type of certificate; I don't know what it
 16 was. I didn't really look at it. And they directed us to
 17 the tow yard.
 18 Q. Let me go back. Do you know if it was \$900, or not?
 19 A. I think -- I believe it was approximately that amount. I
 20 don't know the exact amount.
 21 Q. And then you drove her over to the tow yard?
 22 A. Yes.
 23 Q. Where was the tow yard located?
 24 A. I think hers was on Michigan Avenue.
 25 Q. Okay.

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1 A. Yes.
 2 Q. And what happened there?
 3 A. I watched Angie pay whatever the cost was at the time, and
 4 get some information as to where to go to pick up her car
 5 at.
 6 Q. Were you acting as Angie's attorney at this time regarding
 7 her nuisance abatement issues?
 8 A. For this?
 9 Q. Yes.
 10 A. No, because I was a defendant.
 11 Q. Okay. Well, I just didn't want to -- this is more like a
 12 civil action that you were involved in for the nuisance
 13 abatement.
 14 A. I'm sorry. I wouldn't say I acted as her attorney, no.
 15 Just knowing -- having an idea as to the process, the legal
 16 processes, I was just trying to be there for her.
 17 Q. Did she ask you for any legal advice concerning the
 18 nuisance abatement charge?
 19 MS. BRUNER-JAMES: Objection; relevance.
 20 THE WITNESS: No.
 21 BY MR. ASHFORD:
 22 Q. So you can tell me if this invades attorney-client
 23 privilege or not; I don't think it does. Why didn't you
 24 guys fight the \$900 nuisance abatement fee or cost?
 25 A. First of all, it's her car, and it's her responsibility,

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1 A. And I don't know how -- if it was in Dearborn or Detroit,
 2 but, you know --
 3 Q. So it could have been southwest Detroit or Dearborn?
 4 A. Is that considered southwest Detroit?
 5 Q. I would assume so.
 6 A. I don't know.
 7 Q. Michigan Avenue, which goes -- which is in Detroit.
 8 A. It's like the north end, south end of southwest Detroit.
 9 Michigan kind of hugs that more to the north of southwest
 10 Detroit.
 11 Q. What happened when you arrived at the tow yard?
 12 A. Angie went inside. She told me she had to pay another
 13 impound fee, and we were able to pick up her car out of the
 14 lot.
 15 Q. Was there any damage to the car?
 16 A. I didn't inspect the car. It's her vehicle, but I don't
 17 believe that there was.
 18 Q. Did she tell you that her car is damaged?
 19 A. No, she didn't tell me.
 20 Q. Mr. Kaiser, have you suffered any type of damages or
 21 injuries from the incident at the CAID on May 31st, 2008,
 22 that we have not discussed here today?
 23 A. Yes.
 24 Q. Please tell me about those damages or injuries.
 25 A. Okay. After the incident, I had an increase in my -- in

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1 dealing with anxiety and depression. And I attribute it
2 now to, first of all, having a misdemeanor hanging over
3 your head as an attorney is a pretty serious thing. And
4 you can get suspended from the practice of law if you are
5 convicted of a misdemeanor. And being put in that
6 situation at that time was very traumatic for me dealing
7 with that, and not knowing what the outcome is going to be,
8 you know.

9 Reading about it in the newspaper that an
10 attorney -- you know, thank God my name wasn't in there, as
11 it was here at this time. It's a lot. I don't want to be
12 thought of in that light with my clients.

13 The other thing is understanding that this is
14 going on, you know, I might have to report something to the
15 State Bar regarding this incident, creates a lot of
16 anxiety.

17 The mental aspect also that came into play, this
18 ticket, a notice to appear, something came to my -- the
19 actual home that I owned at the time where my wife was
20 residing. And we were going through child custody issues,
21 fighting over the children. I have two children, and we
22 had --

23 Q. So you were still married at that time?

24 A. Still married.

25 Q. When the ticket arrived at that home?

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1 but she brought it up in her decision.

2 And she awarded temporary custody, instead of
3 50/50, what I wanted, she gave my wife four days and me
4 three. So she had 52 days more per year in the actual
5 divorce settlement. Because I wanted my children half the
6 time, I basically offered to pay additional money, you
7 know, if she was willing to bargain on the days so that I
8 get them 50 percent of the time. So I feel that I paid
9 money for my children's time. And I feel like this was
10 used against me in that court proceeding in a way. Whether
11 it was addressed directly or not, I feel like it was used
12 against me. I had the misdemeanor hanging over my head, as
13 an attorney.

14 I had a fear of -- here's the other thing: I
15 spent a lot of money in Detroit. I worked in Detroit. You
16 are an attorney; you know these things. We are down here
17 quite a bit. I go to the Workers' Comp Bureau; I go to
18 lunch down here. I used to have season tickets for the
19 Tigers, for the Lions, before the divorce. Entertainment
20 down here. I love the city, or I had loved the city, and I
21 always was proud of it. And I always spoke highly of the
22 city.

23 After this incident, my feelings changed quite a
24 bit, after having your rights basically trampled on. As an
25 attorney, you always hear stories of clients that tell you,

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1 A. Yeah, that's why I was living with my parents. Yeah,
2 legally married.

3 Q. It arrived at the home?

4 ~~A. We went into a child custody hearing, and they listened~~

5 there is a referee. She's making her basis to award
6 temporary custody of the children to the parents, who she's
7 going to give them to, how she's going to divide up the
8 parenting time. And, you know, at these type of hearings
9 they allow hearsay, everything in. They want to hear
10 what's going on with the situation. And I was already
11 uneasy about that.

12 During the hearing, she brought out the notice to
13 appear for the 36th District Court misdemeanor, loitering
14 in a place of illegal occupation, and brought it up to the
15 referee. Other than loitering in a place of illegal
16 occupation, which to me sounds like I'm in a crack house or
17 something. Which, you know, that type of charge, those are
18 the type of charges you see, as an attorney, when you see
19 loitering in a place of illegal occupation, it's usually
20 people hanging out in drug houses. That's my take on it.

21 And that's probably what she's thinking, and she
22 shows it to the referee. You know, how do I explain this
23 to the referee? The referee actually cites the fact that
24 she brought up this ticket in her opinion. She's not
25 saying whether or not it had any bearing on her decision,

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1 "This is what happened. This is what happened." And you
2 are -- you always look at it kind of like, "Well, you know,
3 this guy has got a long track record. I could see why the
4 police would do this."

5 But having that happen to you, if that ever
6 happened to you, to have that feeling come across you that
7 your rights are being violated, not only your rights being
8 violated, let alone the people that you look to to help you
9 and protect and serve you are the people that are hitting
10 you and kicking you when you are not threatening in any
11 way. It changed my perspective on how I choose to spend my
12 money, what I choose to do down here. And it's always in
13 the back of my mind, you know. People wonder why we don't
14 come down from the suburbs.

15 Q. Had you ever had any problem in the City of Detroit before
16 then with the police department?

17 A. No, but I'm also -- I feel I'm a law-abiding citizen.

18 Q. Have you ever had problems with the police department since
19 that time? Strike that.

20 Have you ever had any problem with the Detroit
21 Police Department since that time?

22 A. I'm not down here as frequently, but, no.

23 Q. What happened with the ticket?

24 A. The ticket was eventually dismissed.

25 Q. Did you represent yourself?

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1 A. No.
 2 Q. Who represented you?
 3 A. I initially contacted Gary Janadia, and I believe he put
 4 his appearance in on the ticket for Angie and I.
 5 Q. Did he represent you to the end?
 6 A. What I believe happened is that he adjourned the matter a
 7 couple of times because this was going on with the ACLU had
 8 taken on a lot of these cases, and they filed a motion. I
 9 think it eventually got dismissed, and we got put on -- I
 10 had been in contact with them. And the ACLU put me on the
 11 list for tickets to be dismissed. And as part of that, the
 12 judge's motion, or whatever happened, the agreement between
 13 the City of Detroit and ACLU, which I don't know, I was put
 14 on the list, and the ticket was eventually dismissed.
 15 Q. Was the same true for Angie?
 16 A. Yes.
 17 Q. Why didn't you represent yourself?
 18 A. Aren't we taught in law school a lawyer who represents
 19 themselves is a fool for a client?
 20 Q. I was just wondering why you didn't represent yourself. I
 21 understand, okay.
 22 A. And I took this very seriously. I was -- I felt like I
 23 didn't have a choice but to fight this. I wasn't about to
 24 enter any type of plea agreement on there. I would go down
 25 at a trial, do whatever it took to get out of this. It was
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1 A. No.
 2 Q. Why not?
 3 A. What other areas -- I mean, they filed in federal court;
 4 they are representing me in a civil action.
 5 Q. Let me ask you this: Are you aware of -- that you could
 6 file a citizen complaint with the Detroit Police
 7 Department?
 8 A. I wasn't aware, and if -- at the time, I'm sure I could
 9 have done some research to figure out what else I could do,
 10 but my perspective or perception on that, is anything
 11 really going to get done by filing a citizen's complaint?
 12 Q. Did you file a complaint with the justice department or any
 13 type of State of Michigan agency regarding a violation of
 14 your civil rights or police action?
 15 A. This is the complaint that I'm going with.
 16 Q. Okay. And by this complaint, you are speaking of this
 17 lawsuit, correct?
 18 A. That's correct.
 19 MR. ASHFORD: Thank you. I have nothing further.
 20 THE WITNESS: Thank you.
 21 MS. BRUNER-JAMES: I have a few questions for
 22 you.
 23 EXAMINATION
 24 BY MS. BRUNER-JAMES:
 25 Q. When you first entered the CAID, did you show your ID to
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1 very stressful having this, you know, mark against me.
 2 Q. Did you appear at the 36th District Court?
 3 A. I'm sure I did. I can't recall if he was able -- I
 4 appeared at least on one occasion.
 5 Q. Was that for an arraignment?
 6 A. No, I believe he was able to waive my arraignment.
 7 Q. Okay. And you believe you appeared once, but you don't
 8 know?
 9 A. I think I appeared down there to meet him, and I think he
 10 took care of it. And I don't know if I went in front of
 11 the judge or not; I can't recall. Just keep in mind, I'm
 12 going in front of judges all the time on different cases.
 13 You know, I don't recall if I went in front of a judge. It
 14 was just -- would have been just a pre-trial hearing, which
 15 is a routine matter. But it's my case, but I don't know if
 16 I actually went in front of the judge. I think he was able
 17 to explain to the judge that this is -- we got this other
 18 lawsuit pending right now, or the motion pending, not a
 19 lawsuit, but this was before this whole civil lawsuit. A
 20 motion was pending, and they are waiting for an answer on
 21 the motion.
 22 Q. Okay. Aside from this lawsuit, have you filed any type of
 23 complaint concerning the incident that occurred at the
 24 CAID, also known as the Contemporary Art Institute of
 25 Detroit, with any public or governmental agency?
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1 anybody?
 2 A. Yes.
 3 Q. And what was your understanding of the purpose of showing
 4 your ID, if you know?
 5 A. If you are over 21, you could be served or are able to
 6 drink alcohol, or purchase an alcoholic beverage.
 7 Q. And you received some kind of identification as being over
 8 21?
 9 A. Yes. That wrist band, I believe.
 10 Q. When the police first entered the courtyard where you were
 11 standing at the CAID, did you hear any of them identify
 12 themselves specifically as police officers?
 13 MR. ASHFORD: Objection; asked and answered, but
 14 go ahead.
 15 THE WITNESS: I believe that it's in the
 16 transcripts that I said that I never heard any of them
 17 identify themselves as police officers, but that they were
 18 shouting to get the fuck down or get down or lie down. And
 19 I didn't see any distinguishing marks identifying them as
 20 police officers either. And I believe that's consistent
 21 with what I've already answered.
 22 BY MS. BRUNER-JAMES:
 23 Q. Did they say anything indirectly that indicated they were
 24 police officers, like a search warrant?
 25 A. They never mentioned any type of search warrant or any
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1 other indications that they were police officers.

2 Q. Okay.

3 A. That came later.

4 Q. You testified earlier that you did not turn around to look
5 for a badge or name tag or description of the officer that
6 kicked you.

7 A. That's correct.

8 Q. Once you were able or felt free to view the officers, did
9 they have visible badges or name tags?

10 A. Some of them did and some of them didn't. And I was -- as
11 I saw -- even as I saw the people rushing in immediately,
12 some of them weren't -- they weren't all wearing the same
13 outfits; they had different bits and pieces. Most of
14 them -- if anything, it was like they had an intent to
15 disguise their identity, you know. Looking at people in
16 face masks and other things, it was like they were doing
17 everything not to be identified as who they are.

18 MS. BRUNER-JAMES: That's all for me.

19 MR. ASHFORD: I have just one more question for
20 you.

21 FURTHER EXAMINATION

22 BY MR. ASHFORD:

23 Q. When you entered into the CAID and you showed your ID --

24 A. Yes.

25 Q. -- did they tell you why they were requesting to see your

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1 single picture, and those are several boot prints on my
2 back from the officers being in the mud.

3 Q. Do you recall approximately what time the picture was
4 taken?

5 A. It had to be around five or 5:30 in the morning on the day
6 that we were arrested, 5:30 in the morning, I think.

7 MS. BRUNER-JAMES: Okay. Nothing else.

8 FURTHER EXAMINATION

9 BY MR. ASHFORD:

10 Q. This picture was taken by Mark, you said?

11 A. Yes. It was taken with a cellphone camera. And, you know,
12 in 2008, cellphone cameras weren't the best. But I think
13 you can get a pretty good idea of the number or multiple
14 boot prints on my back.

15 Q. So is this a photograph of your back?

16 A. Yes.

17 Q. And it's taken by Mark Kaiser?

18 A. That's correct.

19 Q. At some point during the morning hours of May 31st, 2008?

20 A. Yes.

21 Q. Is this your upper back?

22 A. This -- I'm wearing a button-up shirt. This is the bottom
23 boot print, as you can see, like near the bottom of the
24 picture. It's probably the top of my buttocks, and then it
25 goes all the way up to my mid-back. And if you look on the

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1 ID?

2 A. They didn't say anything to me. I can only assume that
3 they were checking to see if I was of legal drinking age,

4 as is the case when you enter almost any bar or attempt to
5 purchase an alcoholic beverage.

6 Q. Did they tell you why they were putting a wrist band on
7 your wrist?

8 A. They didn't tell me. It was an assumption on my part that
9 they were putting a wrist band on my wrist because I'm of
10 legal drinking age.

11 MR. ASHFORD: Okay. I have nothing further.

12 MS. BRUNER-JAMES: I'm sorry, Jerry. I just have
13 one more thing. You should have received a copy these in
14 your Rule 26.

15 (Exhibit A, Photograph, marked for
16 identification.)

17 BY MS. BRUNER-JAMES:

18 Q. I'm showing you what's been marked as Exhibit A. Do you
19 recognize that image at all?

20 A. Yes, I do.

21 Q. Can you describe what you see in that image?

22 A. That's my upper torso from basically my belt line to almost
23 my shoulder. It's a little bit grainy on this image, but
24 this was taken by my brother Mark at the restaurant, Brey's
25 restaurant, after the incident that I described. We took a

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1 right side of the picture, you can see my arm, the back of
2 my arm, and then up to my elbow, the elbow starts, the
3 sleeve going up.

4 Q. Thank you. I'm sorry, where was this taken again?

5 A. At Brey's hamburger place in Hazel Park.

6 Q. And it was taken using your brother's cellphone?

7 A. My brother's cellphone, yeah.

8 Q. Do you know if he still has that cellphone?

9 A. I do not know. Probably not, but that's -- I don't have
10 personal knowledge.

11 Q. Is this photograph on your computer?

12 A. I don't think that I have this photograph on my computer,
13 but I believe that my attorneys may have it on their
14 computer.

15 Q. Do you know how your attorneys received it? Was it from
16 you or from Mark?

17 A. It was I believe from me. I believe I sent it to them.

18 Q. Did you send it electronically?

19 A. I believe that I did.

20 Q. Do you know if there are any prints of this picture that
21 exist?

22 A. Any actual prints?

23 Q. Yes.

24 A. I don't know that there are.

25 MR. ASHFORD: I have nothing further.

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(The deposition was concluded
at 4:15 p.m.)

" " "

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STATE OF MICHIGAN)

) ss.

COUNTY OF WAYNE)

I, Sherri L. Ruff, Notary Public within and for

the County of Wayne, State of Michigan, do hereby certify
that the witness whose attached deposition was taken before
me in the above entitled matter was by me duly sworn at the
aforementioned time and place; that the testimony given by
said witness was stenographically recorded in the presence
of said witness and afterwards transcribed by computer
under my personal supervision, and that the said deposition
is a full, true and correct transcript of the testimony
given by the witness.

I further certify that I am not connected by blood or
marriage with any of the parties or their attorneys, and
that I am not an employee of either of them, nor
financially interested in the action.

IN WITNESS THEREOF, I have hereunto set my hand at the
City of Detroit, County of Wayne, State of Michigan.

Date Sherri L. Ruff, CSR-3568
Wayne County, Michigan
My Commission Expires: 9/25/15

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EXHIBIT 18

Transcript of the Testimony of **Angie Wong**

Date: October 21, 2010

Case: Ian & Kimberly Mobley, Paul Kaiser, et al v. City of Detroit, Vicki Yost & Daniel Buglo

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY MOBLEY,
PAUL KAISER, ANGIE WONG, JAMES
WASHINGTON, NATHANIEL PRICE, JEROME
PRICE, STEPHANIE HOLLANDER, JASON
LEVERETTE-SAUNDERS, WANDA LEVERETTE-
SAUNDERS, WANDA LEVERETTE, DARLENE
HELLENBERG, THOMAS MAHLER and
LAURA MAHLER,

Plaintiffs,

Civil Action
No. 10-10675

-VS-

CITY OF DETROIT, VICKI YOST and
DANIEL BUGLO,

Defendants.

_____/

The Deposition of ANGIE WONG, taken before me,
Sherri L. Ruff, CSR-3568, a Notary Public within and for the
County of Wayne, State of Michigan, at 1392 East Jefferson
Avenue, Detroit, Michigan, on Thursday, October 21, 2010.

APPEARANCES:

KATHRYN BRUNER-JAMES, ESQ.
DANIEL S. KOROBKIN, ESQ.
Goodman & Hurwitz, PC
1394 East Jefferson Avenue
Detroit, Michigan 48207

Appearing on behalf of the Plaintiffs,

JERRY L. ASHFORD, ESQ.
DANIEL M. KOESTER, ESQ.
City of Detroit Law Department
660 Woodward Avenue
1650 First National Building
Detroit, Michigan 48226

Appearing on behalf of the Defendant.

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	Ms. Bruner-James	44
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1 Detroit, Michigan
2 Thursday, October 21, 2010
3 4:15 p.m.

4
5 ANGIE WONG,
6 was thereupon called as a witness herein and, after having
7 been first duly sworn to tell the truth, the whole truth and
8 nothing but the truth, was examined and testified as
9 follows:
10 MR. ASHFORD: Let the record reflect that this is
11 the deposition of Angie or Angela?
12 THE WITNESS: Angie.
13 MR. ASHFORD: Angie Wong, taken pursuant to the
14 Michigan -- strike that. Taken pursuant to the Civil Rules
15 of Federal Procedure, with notice to all parties. And to
16 be used for any and all purposes allowed under the Federal
17 Rules of Civil Procedure.
18 EXAMINATION
19 BY MR. ASHFORD:
20 Q. Good afternoon, Ms. Wong. My name is Jerry Ashford, and I
21 represent the City of Detroit and the Detroit police
22 officers in this lawsuit that you have brought.
23 Have you ever given any type of court testimony
24 before?
25 A. No.

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1 Q. Have you ever given any type of testimony in a proceeding
2 such as this?
3 A. No.
4 Q. With a court reporter present?
5 A. No.
6 Q. Okay. Well, the court reporter is sitting to my left and
7 sitting to your right, and she's taking down every word
8 that we say. So I'm going to need verbal answers to my
9 questions.
10 A. Okay.
11 Q. And you've seen court proceedings on television before,
12 correct?
13 A. Yeah.
14 Q. This is the same thing, but we are just out of court.
15 A. Okay.
16 Q. It's a more informal setting in a conference room. But you
17 are under oath, and I just need verbal answers to my
18 questions.
19 Also, if I ask you a question and you do not
20 understand, please let me know, and I will rephrase it
21 until hopefully you do understand. Okay?
22 A. All right.
23 Q. Can you give me your full name, please.
24 A. Angie Wong.
25 Q. What's your current address, Angie?

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1 A. It's 15744 Van Avenue, Fraser, 48026.
2 Q. How long have you lived there?
3 A. Just like two months.
4 Q. Who do you live there with?
5 A. My grandmother.
6 Q. What's your grandmother's name?
7 A. Jun Yow (ph) Leung. I'm not sure how you spell her first
8 name, but I can spell her last name.
9 Q. That was going to be my next question.
10 A. L-e-u-n-g.
11 Q. How old is she approximately?
12 A. I think she's like 73.
13 Q. Where did you live before that?
14 A. At my parents'.
15 Q. And what's their address?
16 A. 20307 Sunny Side, St. Clair Shores, 48080.
17 Q. And had you lived there since your childhood with your
18 parents?
19 A. I have lived there for like three years. Before that I had
20 a house with my ex, and I lived with my friend, like one of
21 my girlfriends.
22 Q. Okay.
23 A. I had a loft downtown.
24 Q. And what was that address?
25 A. To which place?

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1 Q. To the loft.
 2 A. I lived at the Brooklyn Lofts and Milwaukee Lofts.
 3 Q. Is that -- you said Milwaukee Lofts; is that in Detroit?
 4 A. Yeah, that's like at Milwaukee and East Grand.
 5 Q. I see. How long did you live there?
 6 A. About a year.
 7 Q. And who did you live there with?
 8 A. I lived there with my ex.
 9 Q. What's his name?
 10 A. Derek Smith.
 11 Q. Okay. And approximately what time did that relationship
 12 end?
 13 A. I was with him when I was like 19 years old. About five,
 14 six years.
 15 Q. So approximately 2004, 2005?
 16 A. Yeah.
 17 Q. Your relationship ended with him before your relationship
 18 with Mr. Kaiser?
 19 A. Yes.

20 MS. BRUNER-JAMES: Objection; relevance.

21 BY MR. ASHFORD:

22 Q. At some point you had a relationship with Mr. Kaiser?

23 A. Yes. Paul was my boyfriend.

24 Q. For how long?

25 A. For about two-and-a-half years.

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1 Q. Are you still in a relationship with Mr. Kaiser?
 2 A. No.
 3 Q. When did that relationship end?
 4 A. Like six, seven months ago.
 5 Q. Do you have a Michigan operator's license with you?
 6 A. Yes.
 7 Q. May I see it, please?
 8 MR. ASHFORD: Let the record reflect that
 9 Ms. Wong has handed me a Michigan operator's license,
 10 number W-520-067-007-088, which expires February 2, 2012,
 11 and in the name of Angie Wong. 20307 Sunny Side Street,
 12 St. Clair Shores, Michigan, 48080-4239. Date of birth,
 13 February 2nd, 1996. No endorsements, restrictions
 14 corrective lens, with an address change on the back of the
 15 operator's license as 15744 Van Avenue, apartment 337-B,
 16 Fraser, Michigan, 48026. Address change was made on
 17 July 28, 2010. Thank you, ma'am.
 18 BY MR. ASHFORD:
 19 Q. Ma'am, what's your Social Security number?
 20 A. 382-96-4712.
 21 Q. And is the date of birth on your Michigan operator's
 22 license correct?
 23 A. Yes.
 24 Q. Where were you born?
 25 A. Where was I born?

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1 Q. Yes.
 2 A. Oh, Wayne County, Holy Cross Hospital.
 3 Q. What city?
 4 A. Detroit.
 5 Q. Did you attend high school in Detroit?
 6 A. No.
 7 Q. Where did you attend high school?
 8 A. I went to three different high schools. I went to Fraser,
 9 South Lake and North Lake.
 10 Q. Why did you go to three different high schools?
 11 A. Because my parents moved to St. Clair Shores during my
 12 freshman year, and then that's when I went to South Lake.
 13 And I switched over from South Lake -- I got dropped from
 14 South Lake, so I ended up going to North Lake.
 15 Q. You said you got dropped from South Lake?
 16 A. Yeah.
 17 Q. What does that mean?
 18 A. I think I got suspended for a semester, so that's how I
 19 ended up at North Lake.
 20 Q. Why did you get suspended?
 21 MS. BRUNER-JAMES: Objection; relevance.
 22 THE WITNESS: Because this kid was making racial
 23 slurs to me, and I threw a book at him and accidentally hit
 24 him in the face. I wasn't trying to hit him in the face
 25 with it.

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1 BY MR. ASHFORD:
 2 Q. Was he hurt?
 3 A. No.
 4 Q. So from South Lake you went to what high school?
 5 A. North Lake.
 6 Q. North Lake?
 7 A. Yes.
 8 Q. And where is that located?
 9 A. St. Clair Shores.
 10 Q. Is that an alternative school?
 11 A. Yes.
 12 Q. Did you graduate from that school?
 13 A. No.
 14 Q. Did you eventually get a GED?
 15 A. Yes.
 16 Q. What year did you get a GED?
 17 A. I got it like five years ago approximately.
 18 Q. Angie, how old are you?
 19 A. Twenty-four.
 20 Q. Are you currently employed?
 21 A. Yes.
 22 Q. Where?
 23 A. Bouzouki Lounge.
 24 Q. And where is that located?
 25 A. On Lafayette.

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1 Q. And how long have you worked there?
 2 A. About three years.
 3 Q. And what do you do at Bouzouki Lounge?
 4 A. I'm an entertainer.
 5 Q. Also called a dancer?
 6 A. Yep.
 7 Q. Where did you work before the Bouzouki Lounge?
 8 A. I have worked at Player's, Coliseum.
 9 Q. How long were you at Player's?
 10 A. I bounced around from place to place. They don't pay me to
 11 work at their club, so I'm considered as an independent
 12 contractor. And I pretty much go to work when I want to go
 13 to work.
 14 Q. And you can go from one place to the other anytime you
 15 want?
 16 A. Anytime I want to.
 17 Q. How long have you been an entertainer at the Detroit
 18 various adult entertainment clubs?
 19 A. Six years.
 20 Q. Six years; is that what you said?
 21 A. Yep.
 22 Q. Have you ever served any time in the military?
 23 A. No.
 24 Q. Have you ever been arrested?
 25 MS. BRUNER-JAMES: Objection; relevance.
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1 (Discussion off the record.)
 2 BY MR. ASHFORD:
 3 Q. So you told me about the DUI. Were you ever convicted of
 4 that charge?
 5 MS. BRUNER-JAMES: Objection; relevance.
 6 THE WITNESS: Yes, I was.
 7 BY MR. ASHFORD:
 8 Q. Did you spend any time in jail on that charge?
 9 MS. BRUNER-JAMES: Objection; relevance.
 10 THE WITNESS: I just spent -- they took me to
 11 jail over night; that was it. I got released the next day.
 12 BY MR. ASHFORD:
 13 Q. But once you were convicted, you didn't spend any time in
 14 jail for it?
 15 A. Oh, no.
 16 Q. So besides being arrested for the DUI and the shoplifting
 17 when you were 17, have you been arrested any other times?
 18 MS. BRUNER-JAMES: Objection; relevance.
 19 THE WITNESS: No.
 20 BY MR. ASHFORD:
 21 Q. You have never been arrested performing in Detroit's clubs?
 22 A. No.
 23 MS. BRUNER-JAMES: Objection; relevance.
 24 THE WITNESS: No, I got a ticket.
 25
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1 THE WITNESS: Yes, I have.
 2 BY MR. ASHFORD:
 3 Q. How many times?
 4 ~~A. I have been arrested for a DUI that I got.~~
 5 Q. Was that in Oak Park?
 6 A. Yes, in Oak Park.
 7 Q. What other times have you been arrested?
 8 MS. BRUNER-JAMES: Objection; relevance.
 9 THE WITNESS: I got a shoplifting charge when I
 10 was like 17.
 11 BY MR. ASHFORD:
 12 Q. Where?
 13 MS. BRUNER-JAMES: Objection; relevance.
 14 THE WITNESS: In Madison Heights, I think.
 15 BY MR. ASHFORD:
 16 Q. Did you ever have to go to court on that charge?
 17 A. Yes, I went to court.
 18 Q. What happened with the charge?
 19 MS. BRUNER-JAMES: Objection; relevance.
 20 THE WITNESS: I ended up on probation.
 21 BY MR. ASHFORD:
 22 Q. So you pled guilty to it?
 23 A. Yes.
 24 MS. BRUNER-JAMES: Objection; relevance.
 25 Can we go off the record for one quick second?
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1 BY MR. ASHFORD:
 2 Q. You've gotten a ticket before?
 3 A. Yes, a ticket.
 4 ~~Q. Did you have to appear in 36th District Court?~~
 5 A. Yes.
 6 MS. BRUNER-JAMES: Objection; relevance.
 7 THE WITNESS: Sorry.
 8 BY MR. ASHFORD:
 9 Q. Did Mr. Kaiser represent you on that ticket?
 10 MS. BRUNER-JAMES: Objection; relevance.
 11 THE WITNESS: No.
 12 BY MR. ASHFORD:
 13 Q. He's represented you before, though, correct?
 14 A. Correct.
 15 Q. Who represented you on that ticket that you appeared on in
 16 the 36th District Court?
 17 A. For the blind pig?
 18 Q. Okay, no. You stated that you had received a ticket for
 19 performing in Detroit clubs, correct?
 20 A. Correct.
 21 Q. Who represented you on that ticket?
 22 MS. BRUNER-JAMES: Objection; relevance.
 23 THE WITNESS: I didn't have an attorney; I just
 24 showed up to court.
 25
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1 BY MR. ASHFORD:
 2 Q. What happened to the ticket?
 3 A. I think actually -- no, wait, it was -- the clubs provided
 4 the attorney, the club owner. That's when I worked at
 5 Cheetah's. That was like five years ago.
 6 Q. Do you know who the attorney was?
 7 A. No, I don't. I actually don't remember, so I don't know.
 8 Q. When you were in a relationship with Paul, he did represent
 9 you in court, though?
 10 A. Yes, for my DUI.
 11 Q. Any other cases?
 12 MS. BRUNER-JAMES: Objection; relevance.
 13 THE WITNESS: No.
 14 BY MR. ASHFORD:
 15 Q. You sure about that?
 16 A. Actually, no. I'm sorry, I'm bad for memory right now.
 17 Q. Can you recall any other cases he represented you on
 18 besides the DUI?
 19 MS. BRUNER-JAMES: Objection; relevance.
 20 THE WITNESS: I got a ticket for a blind pig, and
 21 I think -- I believe -- I think he did, he represented me.
 22 BY MR. ASHFORD:
 23 Q. The blind pig that ticket that you are referring to, is
 24 that the ticket from when you were in the Contemporary Art
 25 Institute of Detroit?

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1 A. No.
 2 Q. Where was this blind pig located?
 3 A. This was somewhere in Corktown.
 4 Q. Okay. Do you remember the date that you were given that
 5 citation?
 6 A. No. I'm not sure of it.
 7 Q. Okay.
 8 A. I know it was like I think around like winter time.
 9 Q. Do you know what year?
 10 A. Like, gosh, I don't -- like not off the top of my head.
 11 Q. Was it before you received the ticket for being in the CAID
 12 or after?
 13 A. After.
 14 Q. Do you recall the specific charge?
 15 A. Something being in a blind pig. I'm not sure.
 16 Q. So you weren't running the blind pig; you were there?
 17 A. I was just there.
 18 Q. Were you dancing?
 19 A. No. I was giving my girlfriend a ride to her roommate that
 20 was there. I was working that night, though. But like I
 21 ran into my girlfriend at the casino, and she asked me for
 22 a ride, so I drove her there.
 23 Q. Besides the DUI and the shoplifting, have you ever been
 24 convicted of any other crime?

MS. BRUNER-JAMES: Objection; relevance.

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1 THE WITNESS: No.
 2 BY MR. ASHFORD:
 3 Q. Have you ever been -- I ask everybody these questions.
 4 Have you ever been treated for substance abuse?
 5 MS. BRUNER-JAMES: Objection; relevance.
 6 THE WITNESS: Alcohol abuse for my DUI.
 7 BY MR. ASHFORD:
 8 Q. Okay.
 9 A. It was out-patient counseling.
 10 Q. Was that part of the court's sentence?
 11 A. Yes.
 12 Q. Or probation?
 13 A. Yes.
 14 Q. Any other time?
 15 MS. BRUNER-JAMES: Objection; relevance.
 16 THE WITNESS: No. Not that I can think of, no.
 17 BY MR. ASHFORD:
 18 Q. Where did you receive this substance abuse treatment?
 19 MS. BRUNER-JAMES: Objection; relevance.
 20 THE WITNESS: Pioneer Counseling; it's in
 21 Sterling Heights.
 22 BY MR. ASHFORD:
 23 Q. Was it in-patient or out-patient?
 24 A. Out-patient.
 25 Q. How long was the program?

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1 MS. BRUNER-JAMES: Objection; relevance.
 2 THE WITNESS: About like three, three-and-a-half
 3 months.
 4 BY MR. ASHFORD:
 5 Q. What year did the DUI occur?
 6 A. 2009.
 7 Q. Was the substance abuse counseling helpful?
 8 MS. BRUNER-JAMES: Objection; relevance.
 9 THE WITNESS: Yeah.
 10 BY MR. ASHFORD:
 11 Q. Have you ever been treated for any psychological,
 12 psychiatric or mental health issue?
 13 MS. BRUNER-JAMES: Objection; relevance.
 14 THE WITNESS: No. See, I listened that time; I
 15 waited.
 16 BY MR. ASHFORD:
 17 Q. Did you suffer any physical injuries from the May 31st,
 18 2008, CAID incident?
 19 A. I mean, I didn't have to go to the doctors to get checked
 20 out, but like I did get kicked in my back hard by one of
 21 the officers.
 22 Q. Did it hurt?
 23 A. Yeah. I mean, yeah, yeah, it hurt.
 24 Q. Did it leave a bruise?
 25 A. It didn't bruise; it just made me sore for a couple days.

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1 Q. And you did not seek medical treatment for that?

2 A. No.

3 Q. And we'll get more into that later on. You can tell me

4 about that, but I just wanted to know if you suffered any

5 injuries.

6 Have you ever been on the CAID web site?

7 A. No.

8 Q. Have you discussed the May 31st, 2008, CAID incident on the

9 internet?

10 A. No.

11 Q. Do you have a Facebook page?

12 A. Yes.

13 Q. Have you discussed the incident on your Facebook page?

14 A. No.

15 Q. Did you record any notes about the incident?

16 A. No.

17 Q. Did you have a cellphone at the time?

18 A. Yes.

19 Q. Who was your cellphone carrier?

20 A. AT & T.

21 Q. And what was your cellphone number on May 31st, 2008?

22 A. 586-804-8048.

23 Q. Did you use your private motor vehicle to get to the CAID

24 on May 31st of 2008?

25 A. Yes.

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1 A. I paid for a fee for me, Paul and his brother.

2 Q. Okay. Did anyone tell you you had to be a member to get

3 in?

4 A. No.

5 Q. Did you fill out any type of paperwork or application to

6 become a member of the CAID at that time?

7 A. No.

8 Q. Had you ever been to the CAID prior to May 31st of 2008?

9 A. Yes, I have.

10 Q. What kind of events had you attended at the CAID?

11 A. Funk Night.

12 Q. How many times?

13 A. Like two or three times.

14 Q. During the two or three times that you had been to

15 Funk Night at the CAID before May 31st of 2008, had you

16 ever observed any type of unlawful use of narcotics?

17 MS. BRUNER-JAMES: Objection; foundation.

18 THE WITNESS: No.

19 MR. ASHFORD: Strike that. Well, I will take the

20 answer.

21 BY MR. ASHFORD:

22 Q. Let me ask you again. Prior to May 31st of 2008, had you

23 during the times that you had been at the CAID, had you

24 ever observed any use of unlawful narcotics?

25 MS. BRUNER-JAMES: Objection; foundation.

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1 Q. What kind of car did you own on May 31st, 2008?

2 A. 2006 black Mustang.

3 Q. And you were the registered owner?

4 A. Yes.

5 Q. Was it insured?

6 A. Yes.

7 Q. Who was it insured by?

8 A. At the time it was State Farm.

9 Q. Do you still have the black Mustang?

10 A. Yes.

11 Q. Who is it insured by currently?

12 A. Unitrin.

13 Q. Are you currently a member of the CAID?

14 A. No.

15 Q. Have you ever been a member of the CAID?

16 A. No.

17 Q. My understanding is to get into one of these parties, you

18 have to become a member because it's a members-only event.

19 Did you become a member of the CAID when you came to the

20 party on May 31st of 2008?

21 A. No.

22 Q. When you entered into the CAID on May 31st, 2008, did you

23 pay a fee to get in?

24 A. Yes.

25 Q. Did you pay a fee for Paul to get in?

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1 THE WITNESS: No. Like you mean like people

2 using marijuana, drugs?

3 BY MR. ASHFORD:

4 Q. Yes.

5 A. No.

6 Q. Had you ever observed underage minors in the club?

7 A. Well, I mean --

8 MS. BRUNER-JAMES: Objection; foundation.

9 THE WITNESS: They hand out wrist bands for

10 people that are 21 and of age. I mean, if there was an

11 underage minor, like, I wouldn't know. It's not like they

12 are wearing their ID on their shirts.

13 BY MR. ASHFORD:

14 Q. Let me ask you this: Had you ever seen anyone purchase or

15 being served alcoholic beverages --

16 A. No.

17 Q. -- who did not have a wrist band?

18 A. No. Not to my recollection, no.

19 MS. BRUNER-JAMES: Off the record for a second.

20 (Discussion off the record.)

21 BY MR. ASHFORD:

22 Q. Ma'am, during the times that you were at the CAID during

23 the Funk Night prior to May 31st of 2008, did you ever

24 observe any alcohol -- and by alcohol, I mean intoxicating

25 liquor sales or purchases after 2:00 a.m. in the morning.

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1 A. No. I have never been there after two a.m.
 2 Q. Well, you were on May 31st, 2008, correct?
 3 A. Yeah, because the cops came in and forced us all in the
 4 mud.
 5 Q. So your answer is no, you have not seen anyone served or
 6 sold intoxicating liquor or alcohol after 2:00 a.m. at the
 7 CAID?
 8 A. Correct. Are you referring to that night while we were
 9 there? Is that what you are --
 10 Q. No, I was referring to the three Funk Nights before
 11 May 31st, 2008.
 12 A. No, no.
 13 Q. Before you went to the CAID -- strike that.
 14 During the three times that you were at the CAID
 15 during Funk Night prior to May 31st, 2008, had you ever
 16 observed any type of unlawful conduct?
 17 MS. BRUNER-JAMES: I object as to form and
 18 foundation.
 19 THE WITNESS: No, I haven't.
 20 BY MR. ASHFORD:
 21 Q. When you drove your black Mustang to the CAID on May 31st
 22 of 2008, who was in your car?
 23 A. Paul Kaiser and his brother, Mark Kaiser.
 24 Q. Where were you coming from?
 25 A. Whiskey in the Jar.
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1 you come from?
 2 A. Cliff Bell's, and I met -- Cliff Bell's; I met up with Paul
 3 and his brother originally at Detroit Pub, and then from
 4 there we went to Cliff Bell's.
 5 Q. Did you have anything -- did you go inside?
 6 A. At Cliff Bell's?
 7 Q. No, what was the name of bar?
 8 A. Whiskey -- Detroit Pub?
 9 Q. Yeah.
 10 A. No.
 11 Q. Did you ever go inside Detroit Pub?
 12 A. No.
 13 Q. Okay. You drove your vehicle from Detroit Pub to
 14 Cliff Bell's?
 15 A. Yes.
 16 Q. Did you have anything to drink at Cliff Bell's?
 17 A. No.
 18 Q. Did you have anything to eat at Cliff Bell's?
 19 A. No.
 20 Q. Did you have anything to eat at Whiskey in the Jar?
 21 A. No.
 22 Q. Before you arrived at Detroit Pub, where did you come from?
 23 A. My parents.
 24 Q. When you were driving to the CAID -- strike that.
 25 After you arrived at the CAID, where did you
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1 Q. And what is Whiskey in the Jar?
 2 A. It's a bar in Hamtramck.
 3 Q. How long had you been there?
 4 A. We were at Whiskey in the Jar I would have to say about
 5 half hour.
 6 Q. Did you have anything to drink while you were there?
 7 A. I had one drink.
 8 Q. What kind of drink did you have?
 9 A. Three Olives grape vodka with sugar free Red Bull.
 10 Q. How big is that drink?
 11 A. Probably like the size of this glass.
 12 Q. Okay.
 13 MS. BRUNER-JAMES: Let the record reflect that
 14 "this glass" refers to maybe an eight ounce tumbler.
 15 BY MR. ASHFORD:
 16 Q. Prior to entering the CAID, had you had anything else to
 17 drink that evening? And by drink, I mean intoxicating
 18 liquor, besides the drink that you had at Whiskey in the
 19 Jar.
 20 A. No, that was the only one I had that night.
 21 Q. Had you used any unlawful narcotics before entering the
 22 CAID that night?
 23 A. No.
 24 Q. Where were you -- strike that.
 25 Before you were at Whiskey in the Jar, where had
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1 park?
 2 A. Like where did I park at the CAID?
 3 Q. Yeah.
 4 A. In the front on Rosa Parks.
 5 Q. Okay. I'm going show you what's been marked as exhibits --
 6 Defendant's Exhibit 4 and Defendant's Exhibit 3.
 7 MS. BRUNER-JAMES: Before you get into the rhythm
 8 of your questioning, I'm just going to place my objection.
 9 Just for the record, plaintiffs received these
 10 documents for the first time yesterday. These documents,
 11 as I understand it, were received as the result of a Wayne
 12 County Prosecutor's Office subpoena that plaintiffs were
 13 not provided with a copy of. And for the violation of
 14 Rule 45, we object to the exhibits. However, in order to
 15 avoid re-deposing the witnesses and without waiving the
 16 objection, I'm allowing them to view them and answer
 17 questions about them.
 18 BY MR. ASHFORD:
 19 Q. Ms. Wong, do either of these exhibits, Defendant's Exhibits
 20 No. 3 or Exhibit No. 4 depict the front of the CAID?
 21 A. I would say this is the front.
 22 Q. And you are pointing to Defendant's Exhibit No. 4?
 23 A. Yeah.
 24 Q. Thank you. For Defendant's Exhibit No. 3, is that the door
 25 that you entered through to attend the event on May 31st,
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1 2008?

2 A. Yes.

3 Q. So what happened after you parked your car?

4 A. We walked in. I paid -- we showed our ID's, got in the

5 door. I paid for all three of us; he gave us wrist bands.

6 And then Mark went and got us three beers. We were walking

7 around trying to find my friend that needed a ride.

8 Q. What time did you arrive at the CAID?

9 A. About ten to two, approximately. It was around that time,

10 ten to two.

11 Q. So after he gave you -- strike that.

12 Mark gave you three beers?

13 A. He bought three beers: One for myself, one for him and one

14 for Paul.

15 Q. And at the time, how old were you?

16 A. Twenty-two.

17 Q. And then what happened after you received the beer?

18 A. Well, we were walking -- like, our original purpose of

19 going to CAID is because I had -- I received a phone call

20 from one of my friends that needed a ride home, and he was

21 there. But when we got there, we looked around for him and

22 he wasn't there. So I just feel like we went there -- we

23 were at the wrong place at the wrong time. I felt that

24 place was being staked out before we even walked in. And

25 we were probably only in there for about like I would have

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1 and just leave.

2 Q. Why did you go in the back yard?

3 A. Because we looked in the front and then in the room with

4 the DJ; he wasn't there. And there was a back yard area,

5 so we went out there to see who was out there, and he

6 wasn't there. So that's how we ended up in the back yard.

7 Q. So you guys didn't dance while you were there?

8 A. No.

9 Q. So while you were there -- strike that.

10 How long were you there before the Detroit police

11 officers came into the location?

12 A. Probably like about ten minutes.

13 Q. While you were there, did you see any attendees without

14 wrist bands being served intoxicating liquor?

15 A. No.

16 Q. Did you see anyone using narcotics?

17 A. No.

18 MS. BRUNER-JAMES: Objection. Objection as to

19 foundation.

20 BY MR. ASHFORD:

21 Q. Did you see anyone purchasing alcohol or intoxicating

22 liquor after 2:00 a.m.?

23 A. No. Because the cops came in, and they were beating

24 everyone down.

25 Q. They were what?

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1 to say like ten, 12 minutes. And then the cops came in.

2 Q. Who were you there to pick up?

3 A. My friend Jerry.

4 Q. What's Jerry's full name?

5 A. Jerry Craig.

6 Q. What city does Jerry Craig live in?

7 A. He lives in -- used to live in St. Clair Shores, but he

8 lives in Roseville now.

9 Q. How do you know him?

10 A. Through high school. South Lake.

11 Q. Do you know his address?

12 A. No, I don't.

13 Q. Do you know his telephone number?

14 A. I have his cellphone number, but I don't think it's in

15 service right now.

16 Q. What made you think he would be there?

17 A. What do you mean?

18 Q. Well, you said that you went to the CAID to pick him up.

19 A. Because he called me when we were at Whiskey in the Jar for

20 a ride home, and he said he was there.

21 Q. Do you know why you had to go inside to pick him up?

22 A. Because he wasn't answering his phone, so we just went

23 inside.

24 Q. So when you didn't see him, what happened after that?

25 A. We were in the back yard; we were going to finish our beers

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1 A. Beating everyone down in the back yard.

2 Q. Okay. So, tell me, what happened when the police officers

3 came in?

4 A. Well, at first, I don't know, it was just -- I was in

5 shock. Like, I just thought it was a joke at first. And

6 then, I mean, they kind of rushed in, and it happened real

7 fast. And they came in; I couldn't see any badges on them.

8 They came in with like all black, ski masks, with like guns

9 pointing at us.

10 Q. What do you mean?

11 A. At first I thought for a split second like we were --

12 people were robbing the place.

13 Q. What do you mean ski masks, Angie?

14 A. They had like black masks on to the point you couldn't see

15 their face.

16 Q. You couldn't see any portion of their face?

17 A. Probably like their eyes.

18 Q. So the mask covered the lower portion of their face?

19 A. They were like ski masks, yeah.

20 Q. Okay. But just to understand what a ski mask -- what kind

21 of ski mask you are referring to, you are talking about a

22 mask that covers the lower part of your face underneath

23 your eyes?

24 A. Yeah.

25 Q. What were the lighting conditions like inside the CAID?

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1 A. It was dark.
 2 Q. Was there any lights at all?
 3 A. There was lights in the front. I mean, in the dance floor
 4 I think there was like some kind of like light, but I
 5 wasn't -- not like bright lights or anything.
 6 Q. Okay. And is the dance area like in the back room of the
 7 building?
 8 A. Yeah.
 9 Q. So you had to go through a doorway from the front part of
 10 the building to get into the dance area where the DJ is,
 11 correct?
 12 A. Correct.
 13 Q. So there is more light you are saying in the front of the
 14 building?
 15 A. Yeah.
 16 Q. What was the lighting condition like outside in the terrace
 17 area?
 18 A. Terrace, it was dark.
 19 Q. There were no lights at all, outside lighting?
 20 A. I don't know. I don't remember at this point at the
 21 moment.
 22 Q. So what happened when they came into the terrace area?
 23 That's where you were, right?
 24 A. Yeah.
 25 Q. What happened when they came into that area?

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1 scared to look at his face. And all I heard was an officer
 2 come by and yelled, "Bitch, you think you are too pretty to
 3 get in the mud? Get in the mud." And I was starting to
 4 get in the mud. I was already on my knees, and somebody
 5 forced me and stomped on me while I was getting in the mud.
 6 I'm not sure who did it, if it was the officer that was
 7 doing it to Paul or if it was the woman.
 8 Q. Do you know the names or badge numbers?
 9 A. They didn't have any badge number or names or anything out.
 10 Q. So you can't identify the officer that actually kicked you,
 11 correct?
 12 A. No, I can't.
 13 Q. And you cannot --
 14 A. Because they kicked me from behind.
 15 Q. You can't identify the officer that kicked Paul?
 16 A. No.
 17 Q. Did you see those officers later on that morning?
 18 A. Well, even if they were there, how would I know it was
 19 them?
 20 Q. Okay.
 21 A. They were like wearing all black, all covered up. They
 22 didn't have any type of identification on them at all.
 23 Q. Let me show you what's been marked as Defendant's Exhibits
 24 7 -- well, 5 through 7. And what I'm interested in is this
 25 picture is the Detroit police officers. Is this how they

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1 A. They were just screaming, "Get the fuck down. Get the fuck
 2 down." And, I don't know, I was scared, so I just dropped
 3 my cup of beer and just -- I was wearing like -- I was
 4 ~~wearing all white, pretty much, light jeans and like~~
 5 six-inch pumps. And the part where we were standing was
 6 really muddy. It was really dirty, and I didn't want to
 7 lay on the ground, so I just crouched down in a squatting
 8 position and put my hands up behind my head.
 9 And Paul was sitting there asking -- well, he
 10 knelt down. I think he knelt down. He was asking --
 11 trying to ask the cops trying to find out what was going
 12 on. And all I can remember is just seeing him like get
 13 kicked, repetitively, getting forced in the mud.
 14 Q. How many times did you see him get kicked?
 15 A. I can't -- I would have to say like three to five times
 16 altogether.
 17 Q. What happened to Paul after they kicked him?
 18 A. He was on his knees -- he got kicked like, I would say,
 19 like three times while he was on his knees. They were
 20 trying to force him in the mud. And then I remember
 21 looking over, and he was like -- started to fall in the
 22 mud. And then he had a gun -- a rifle pointed to the back
 23 of his head. And then the guy like stomped him in the mud.
 24 And I was just crouched like next to him all
 25 scared, trying to look at the guy's face, and I was too

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1 were dressed on May 31st of 2008?
 2 A. Well, all I know, they were wearing all black and ski
 3 masks. They had assault rifles with lights on them. I
 4 ~~mean, I can't describe them to a T, while I'm getting like~~
 5 a rifle like pointed at my face telling me to get the fuck
 6 down and getting kicked.
 7 Q. Eventually you were brought into the front room, right?
 8 A. Yeah.
 9 Q. And there was some lighting in the front room?
 10 A. Yeah.
 11 Q. The officers were walking around, right?
 12 A. Uh-huh.
 13 Q. And you could see their uniforms, right?
 14 A. Yeah.
 15 Q. Some of them were dressed and in a patrol uniform?
 16 A. Yeah.
 17 Q. With a badge on?
 18 A. Yeah.
 19 Q. And some were in --
 20 A. Are you talking about in this?
 21 Q. Yeah. Some were dressed in this entire black -- entire
 22 black outfit that you are talking about, correct?
 23 A. Yeah, correct.
 24 Q. Those that were dressed in the black outfit, do you see the
 25 police apparel that they were wearing?

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1 A. Yeah.
 2 Q. In Exhibits 5 through 7?
 3 A. Yeah.
 4 Q. Did they have this reflective white lettering "Police" on
 5 their backs?
 6 A. When I was in the patio?
 7 Q. No, did you ever see them with that on while you were
 8 inside the CAID?
 9 A. Yes. I did see them with that on inside the CAID.
 10 Q. What happened after the officer -- strike that.
 11 What were you wearing that night?
 12 A. I was wearing a pair of white six-inch heels, light jeans,
 13 a white shirt.
 14 Q. Okay. What happened after the officer kicked you into the
 15 mud?
 16 A. I just laid in the mud and didn't say a word. Because I
 17 was afraid that they were going to start hitting me if I
 18 opened my mouth.
 19 Q. Were you looking around?
 20 A. I was trying to.
 21 Q. Did you see any other physical abuse of attendees by
 22 Detroit police officers besides what happened to you and
 23 Paul?
 24 A. I mean, before I got -- before I was like face down in the
 25 mud, I was kind of looking around while Paul was being

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1 of those persons before?
 2 A. No.
 3 Q. Okay. At some point you were brought inside the building,
 4 correct?
 5 A. Correct.
 6 Q. While you were inside the CAID or outside in the terrace
 7 area, did you ever hear any verbal abuse directed towards
 8 any of the attendees by Detroit police officers besides
 9 yourself and Paul?
 10 A. You know, I was just in shock, and I was scared. I'm
 11 pretty sure there was; I couldn't tell you specifically
 12 what they were saying to everyone.
 13 Q. Okay. So at some point you were brought inside the
 14 building?
 15 A. Yeah.
 16 Q. And then what happened?
 17 A. They separated the women from the men. All the girls were
 18 in the front part. They made us kneel down with our hands
 19 behind our heads. We couldn't like talk; we had to sit
 20 there until they called our names.
 21 Q. And then what happened?
 22 A. When they called your names, they returned your stuff. If
 23 you had a purse, they would check everything in your purse,
 24 or whatever, and return your purse, write you your ticket.
 25 And if you had a car, they -- they gave me the paper, the

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1 kneed down. And there was a kid like in the far corner of
 2 where -- where we were at, and he was refusing to get down,
 3 because all he wanted -- he wanted to know what was going
 4 on. And I swear I just thought I seen him get hit with
 5 like a rifle.
 6 Q. Do you know the name of that person?
 7 A. No, I don't. I didn't know anyone there. I was just there
 8 to pick up my friend, and he wasn't there. I didn't know
 9 anyone at that place.
 10 Q. You didn't know any of the employees of the CAID?
 11 A. No.
 12 Q. Or anyone who ran the place?
 13 A. No.
 14 Q. You didn't know the people who were taking money?
 15 A. No.
 16 Q. The people that were selling drinks?
 17 A. No.
 18 Q. Have you met any of your fellow plaintiffs in this lawsuit
 19 besides Paul?
 20 A. I met them when we were here at a meeting talking.
 21 Q. Don't tell me anything about what was said.
 22 MS. BRUNER-JAMES: Yeah, please don't.
 23 THE WITNESS: All right.
 24 BY MR. ASHFORD:
 25 Q. Prior to the filing of this lawsuit, had you ever met any

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1 nuisance abatement paper, too.
 2 Q. I'm going to show you what's been marked Defendant's
 3 Exhibit No. 1. Did they give you this document right here?
 4 A. Yes.
 5 Q. Although this information is not all yours, you filled out
 6 one of these documents?
 7 A. Yes, sir.
 8 Q. And they took your keys?
 9 A. I'm pretty sure I gave my keys.
 10 Q. Actually, did they only take a car key?
 11 A. Yeah, the car key.
 12 Q. And they gave you your other keys back?
 13 A. Yeah.
 14 Q. And then what happened?
 15 A. They impounded my car.
 16 Q. Well, so they return your possessions except for your car
 17 key, right?
 18 A. Uh-huh.
 19 Q. And then what did you do after that?
 20 A. Well, after they released me, I waited outside for Paul and
 21 his brother for probably about an hour.
 22 Q. So you were released an hour before they were?
 23 A. Yeah.
 24 Q. And did you see what happened to your car?
 25 A. Yeah, they took it away.

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1 Q. Who took it away?
 2 A. The towing company.
 3 Q. What towing company?
 4 A. I don't -- I can't remember.
 5 Q. Did you actually see them hook it up and actually haul it
 6 away?
 7 A. Yeah. Like, when I got out, they were hooking it up and
 8 hauling it away.
 9 Q. So, eventually, Mark and Paul came out of the CAID?
 10 A. Uh-huh.
 11 Q. Yes?
 12 A. Yes.
 13 Q. And you went up to them?
 14 A. Yeah.
 15 Q. And what did you say?
 16 A. "How are we going to get home?"
 17 Q. So then how did you get home?
 18 A. My plan was when they got out, I was thinking in my head we
 19 can call a cab or whatever. When we got out, we found a
 20 cab. So we ended up flagging a cab down and took a cab to
 21 Mark's car, which was at Whiskey in the Jar.
 22 Q. How far was that from the CAID?
 23 A. It's in Hamtramck, so it's not that far.
 24 Q. What happened after you got to Mark's car?
 25 A. Mark, we went to Brey's, and then we ate something, and

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1 because my phone was lost.
 2 Q. Did Mark have footprints on him, too?
 3 A. Yeah.
 4 Q. Was Mark handcuffed in the CAID?
 5 A. Like in the inside or outside?
 6 Q. Anywhere on the property of the CAID, was he ever
 7 handcuffed?
 8 A. I don't know. I couldn't tell you.
 9 Q. Did he ever tell you, "I was handcuffed"?
 10 A. I don't think so.
 11 Q. Or did you ever hear him say "I was handcuffed"?
 12 A. I don't think so. He was just complaining he was getting
 13 kicked.
 14 Q. Before you left the property of the CAID, you were also
 15 given a ticket, also, correct?
 16 A. Correct.
 17 Q. Similar to the one in Defendant's Exhibit No. 2?
 18 A. Yep.
 19 Q. And it was also for the same charge of loitering in a place
 20 of illegal occupation, right?
 21 A. Right.
 22 Q. Did you have an attorney for that criminal charge?
 23 A. Gary Janadia was my attorney for this, but somehow I got
 24 hooked up with the ACLU.
 25 Q. What happened with the charge?

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1 then we went to where Paul was staying at his parents. And
 2 then Paul gave me a ride home back to my house where I was
 3 staying.
 4 Q. While you were at Brey's, did anyone take any photographs
 5 of Paul?
 6 A. Yep.
 7 Q. Who took a photograph of Paul?
 8 A. Mark.
 9 Q. Did you take any photographs?
 10 A. Yes. We took pictures of each other, but I don't have my
 11 old phone; otherwise, I would bring it in.
 12 Q. You don't have the pictures?
 13 A. No. It was on my old phone.
 14 Q. What happened to that phone?
 15 A. I lost it.
 16 Q. When did you lose it?
 17 A. Geez, I don't know. I don't know. That was like -- I
 18 can't remember right now. I mean, probably like seven, six
 19 months after that.
 20 Q. Why were pictures taken of you?
 21 A. Because I had a big footprint on the back of me.
 22 Q. You had a big footprint on what?
 23 A. On the back of me. I was taking pictures of them, too,
 24 because they had footprints all over them. But, I'm
 25 saying, the pictures that I took, like I didn't have them

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1 A. It got dismissed.
 2 Q. Were you able to recover your car?
 3 A. Yes.
 4 Q. Tell me how you recovered your car.
 5 A. I went to -- at first I went to the police station on
 6 Beaubien, because I thought that's where I had to go to pay
 7 the \$900.
 8 Q. How did you get there?
 9 A. Paul drove me.
 10 Q. Okay.
 11 A. We went there, and then they told us we had to go to the
 12 prosecutor's office.
 13 Q. Was anyone with you besides Paul?
 14 A. No, just Paul.
 15 Q. And then you went to the prosecutor's office?
 16 A. And then I paid the \$900.
 17 Q. Did you think about fighting the \$900?
 18 A. No. I thought about it, but I needed a vehicle, and I
 19 wasn't going to like rent a vehicle; that would be stupid
 20 when I have one. I mean, I just think that was really
 21 unfair.
 22 Q. Did you ever make a complaint to the Wayne County
 23 Prosecutor's Office?
 24 A. No, I didn't.
 25 Q. Did you ever talk to a Wayne County prosecutor?

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1 A. No.
 2 Q. You just talked to the person that was in the front, the
 3 administrative person who handled the fee processing?
 4 A. Uh-huh.
 5 Q. Yes?
 6 A. Yes.
 7 Q. Did you ever make a complaint with the Detroit Police
 8 Department about the police action that was taken on
 9 May 31st, 2008, at the CAID?
 10 A. Not that I can remember, because I thought like because
 11 Paul was doing all this for us, for what happened. And I
 12 think -- I mean, I'm pretty sure he did something for us.
 13 Q. So what happened after you go to the Wayne County
 14 Prosecutor's Office and paid the fee? How much was the
 15 fee?
 16 A. Nine hundred.
 17 Q. And then what happened?
 18 A. And then they gave us directions to the impound where my
 19 car was at, so I had to pay another fee for my car.
 20 Q. How much did you pay there?
 21 A. I don't remember; a hundred and something.
 22 Q. I'm sorry, I may have already asked this question. What
 23 was the fee you paid to Wayne County Prosecutor's Office?
 24 A. Nine hundred.
 25 Q. What tow yard did you go to?

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1 A. I don't remember.
 2 Q. Do you have any documents with that information on it?
 3 A. No.
 4 Q. Do you have any documents regarding the towing of your
 5 vehicle or the incident at the CAID --
 6 A. No.
 7 Q. -- in your possession today?
 8 A. No, I don't.
 9 MR. ASHFORD: Off the record for a moment.
 10 (Discussion off the record.)
 11 MR. ASHFORD: Back on record.
 12 BY MR. ASHFORD:
 13 Q. Ma'am, when you recovered your vehicle, was there any
 14 damages to it?
 15 A. No, there wasn't.
 16 Q. Did you suffer any damages from the incident at the CAID
 17 that we have not discussed here today?
 18 A. No.
 19 Q. Did you ever do any community service to get your car back?
 20 A. No.
 21 MR. ASHFORD: Okay. I have nothing further.
 22 MS. BRUNER-JAMES: Can we take a two-minute break
 23 and then wrap up?
 24 MR. ASHFORD: Okay.
 25 (Recess taken.)

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EXAMINATION
 1 BY MS. BRUNER-JAMES:
 2 Q. In front of you we have Exhibits No. 5, No. 6 and No. 7,
 3 which you viewed earlier.
 4 MR. ASHFORD: No, for the record those are
 5 Defendant's Exhibits 5 through 7.
 6 MS. BRUNER-JAMES: Yes.
 7 BY MS. BRUNER-JAMES:
 8 Q. Now, the police officers that you can see in these
 9 pictures, can you tell me compared to -- assuming that
 10 these are the same police officers who conducted the
 11 initial part of the raid when you first saw officers enter
 12 the CAID, was there anything different or additional that
 13 you saw on the officers at that time when they first
 14 entered?
 15 A. When they first entered, like I said, they were wearing
 16 like a black ski mask. All you could see was the top
 17 portion of the face of their eyes with the top of their
 18 nose or right here (indicating). They -- when I was
 19 looking at them, you couldn't see any like markings to tell
 20 like they were actual police officers.
 21 Q. So in these pictures, we can see the word "police," and as
 22 bad as these pictures are, that's fairly visible?
 23 A. Yeah.

MR. ASHFORD: I'm going to object to that. I
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1 object to foundation, but go ahead. And form.
 2 MS. BRUNER-JAMES: I will rephrase.
 3 BY MS. BRUNER-JAMES:
 4 Q. The word "police" in these photographs, would you agree
 5 that's fairly prominent?
 6 A. Yes.
 7 MR. ASHFORD: I'm going to object to the form.
 8 BY MS. BRUNER-JAMES:
 9 Q. When the police officers first entered the CAID, could you
 10 see any words or insignias that were similar to the ones
 11 that you can see in these pictures?
 12 A. I couldn't see any markings on them when we were in the
 13 patio when we first originally came in.
 14 Q. Okay. And then, finally, can you tell me why are you
 15 participating in this lawsuit?
 16 A. Well, I basically have been stripped of my rights and been
 17 humiliated from that night, considering Paul and I just
 18 started dating. And that was the first time I have ever
 19 met his brother, and I still apologize to him to this day
 20 for having him go through all that.
 21 I mean, now, even though I work downtown, I used
 22 to hang out downtown a lot. But like ever since that
 23 night, like now I just -- I would rather go somewhere else,
 24 just because -- that's just wrong with what the cops did;
 25 it's not right. And I'm afraid like if I end up at another

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1 place like that, that I don't know that -- I guess you can
 2 call -- I don't know, like Funk Night, or whatever, I'm
 3 just afraid that would happen to me again. And I
 4 wouldn't -- I don't know. I mean, I just don't want to get
 5 beat down.

6 MS. BRUNER-JAMES: No further questions.

7 MR. ASHFORD: I have nothing further.

8 (The deposition was concluded
 9 at 5:30 p.m.)

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1 STATE OF MICHIGAN)

2) ss.

3 COUNTY OF WAYNE)

4 I, Sherri L. Ruff, Notary Public within and for

5 the County of Wayne, State of Michigan, do hereby certify
 6 that the witness whose attached deposition was taken before
 7 me in the above entitled matter was by me duly sworn at the
 8 aforementioned time and place; that the testimony given by
 9 said witness was stenographically recorded in the presence
 10 of said witness and afterwards transcribed by computer
 11 under my personal supervision, and that the said deposition
 12 is a full, true and correct transcript of the testimony
 13 given by the witness.

14 I further certify that I am not connected by blood or
 15 marriage with any of the parties or their attorneys, and
 16 that I am not an employee of either of them, nor
 17 financially interested in the action.

18 IN WITNESS THEREOF, I have hereunto set my hand at the
 19 City of Detroit, County of Wayne, State of Michigan.
 20

21 Date Sherri L. Ruff, CSR-3568
 22 Wayne County, Michigan
 23 My Commission Expires: 9/25/15
 24
 25

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EXHIBIT 19

1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY MOBLEY,
PAUL KAISER, ANGIE WONG,
JAMES WASHINGTON, NATHANIEL
PRICE, JEROME PRICE,
STEPHANIE HOLLANDER, JASON
LEVERETTE-SAUNDERS, WANDA
LEVERETTE, DARLENE HELLENBERG,
THOMAS MAHLER, and LAURA MAHLER,

Plaintiffs,

-vs-

No. 10-10675

CITY OF DETROIT, VICKI YOST,
and DANIEL BUGLO,

Defendants.

The deposition of WANDA LEVERETTE, taken

before Reporter LeVerne M. Rainhardt, CSR-2305, Notary
Public in and for the County of Wayne, State of
Michigan, at 1394 E. Jefferson Avenue, Detroit,
Michigan, on Wednesday, October 20, 2010, commencing at
or about the hour of 2:30 p.m.

APPEARANCES:

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Appearing on behalf of Plaintiffs

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APPEARANCES: (Continued)

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E X H I B I T S

None.

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Detroit, Michigan

Wednesday, October 20, 2010

2:30 p.m.

MR. ASHFORD: Let the record reflect

~~that this is the deposition of Wanda Leverette~~

taken pursuant to Federal Rules of Civil Procedure,
for all purposes allowed under the rules and with
Notice to all parties.

Good afternoon, Ms. Leverette.

THE WITNESS: Hi.

MR. ASHFORD: My name is Jerry
Ashford and I represent the City of Detroit and the
police officers in this lawsuit that you filed.

Have you ever given any type of
testimony in a court proceeding?

THE WITNESS: Yeah, about a month
ago.

MR. ASHFORD: OKAY, what kind of
court proceeding was that?

THE WITNESS: It was a deposition.

MR. ASHFORD: Okay. Concerning what
type of case?

THE WITNESS: A car that I rented
had been in an accident and they were asking me

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<p style="text-align: center;">5</p> <p>1 questions about the car.</p> <p>2 MR. ASHFORD: Okay. So, I don't</p> <p>3 need to tell you anything, you know how this goes</p> <p>4 then. We have a court reporter that's sitting to</p> <p>5 my left and sitting to your right and she's taking</p> <p>6 down everything that we say, and so I'm going to</p> <p>7 need verbal answers from you. No uh-huh, uh-uh or</p> <p>8 nodding or shaking of the head because we're making</p> <p>9 a record.</p> <p>10 THE WITNESS: I know.</p> <p>11 MR. ASHFORD: If at any time I ask</p> <p>12 you a question and you don't understand, please let</p> <p>13 me know and I'll rephrase the question until</p> <p>14 hopefully you do understand. Okay?</p> <p>15 THE WITNESS: Okay.</p> <p>16 WANDA LEVERETTE,</p> <p>17 having first been duly sworn, to testify to the</p> <p>18 truth, the whole truth and nothing but the truth,</p> <p>19 was examined and testified on her oath as follows:</p> <p>20 CROSS-EXAMINATION</p> <p>21 BY MR. ASHFORD:</p> <p>22 Q. Will you please state your full name for the</p> <p>23 record?</p> <p>24 A. Wanda Yvonne Leverette.</p> <p>25 Q. And what's your address?</p> <p style="text-align: center;">RELIANCE COURT REPORTING (313) 964-3611</p>	<p style="text-align: center;">6</p> <p>1 A. 16232 Normandy, Detroit 48221.</p> <p>2 Q. How long have you lived there?</p> <p>3 A. Four years.</p> <p>4 Q. Who do you live there with?</p> <p>5 A. My son Jason.</p> <p>6 Q. And that's Jason Leverette-Saunders?</p> <p>7 A. Yes.</p> <p>8 Q. How many children do you have?</p> <p>9 A. One.</p> <p>10 Q. And have you ever been married?</p> <p>11 A. No.</p> <p>12 Q. Where did you live prior to the Normandy address?</p> <p>13 A. 18216 Glenwood Boulevard, Lathrup Village.</p> <p>14 Q. How long did you live at the Lathrup Village</p> <p>15 address?</p> <p>16 A. Five years.</p> <p>17 Q. And did you just stay there with Jason?</p> <p>18 A. Yes.</p> <p>19 Q. Anyone else?</p> <p>20 A. My aunt was there.</p> <p>21 Q. What's your aunt's name?</p> <p>22 A. Roberta Gill.</p> <p>23 Q. What city does she live in?</p> <p>24 A. Lathrup Village.</p> <p>25 Q. Is she still in the same home?</p> <p style="text-align: center;">RELIANCE COURT REPORTING (313) 964-3611</p>
<p style="text-align: center;">7</p> <p>A. Yes.</p> <p>Q. So were you living with her?</p> <p>3 A. Yes.</p> <p>4 Q. Ma'am, do you have a Michigan operator's license</p> <p>5 with you today?</p> <p>6 A. Yes.</p> <p>7 Q. May I see it, please?</p> <p>8 MR. ASHFORD: Let the record reflect</p> <p>9 that Ms. Leverette has handed me a Michigan</p> <p>10 operator's license No. L163866968754, expires</p> <p>11 September 30, 2013, in the name of Wanda Yvonne</p> <p>12 Leverette, 16232 Normandy Street, Detroit, Michigan</p> <p>13 48221-3314, date of birth of 9-30-1957. No</p> <p>14 endorsements with corrective lens restriction.</p> <p>15 Thank you very much, ma'am.</p> <p>16 BY MR. ASHFORD:</p> <p>17 Q. Is the date of birth there correct?</p> <p>18 A. Yes.</p> <p>19 Q. I know you're not supposed to ask but how old are</p> <p>20 you?</p> <p>21 A. Fifty-three. I just had a birthday, I had to think</p> <p>22 about that.</p> <p>23 Q. All right. And what's your Social Security number?</p> <p>24 A. XXX-XX-1027.</p> <p>25 Q. Where were you born?</p> <p style="text-align: center;">RELIANCE COURT REPORTING (313) 964-3611</p>	<p style="text-align: center;">8</p> <p>1 A. Detroit.</p> <p>2 Q. Did you attend high school?</p> <p>3 A. Yes.</p> <p>4 Q. Did you graduate from high school?</p> <p>5 A. Yes.</p> <p>6 Q. What high school?</p> <p>7 A. Cass Tech.</p> <p>8 Q. What year?</p> <p>9 A. '75.</p> <p>10 Q. Are you currently employed?</p> <p>11 A. No.</p> <p>12 Q. Do you have any education beyond high school?</p> <p>13 A. Yes.</p> <p>14 Q. Where?</p> <p>15 A. I graduated from Michigan State University with a</p> <p>16 degree in speech pathology and education, minor in</p> <p>17 health ed.</p> <p>18 Q. What year?</p> <p>19 A. 1980.</p> <p>20 Q. Any education beyond your bachelor's degree?</p> <p>21 A. I'm currently working on my master's degree, cross</p> <p>22 categorical.</p> <p>23 Q. What does that mean?</p> <p>24 A. That means that unlike the state of Michigan where</p> <p>25 you get a degree in a specific field of special</p> <p style="text-align: center;">RELIANCE COURT REPORTING (313) 964-3611</p>

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1 education, because it's the University of Phoenix,
 2 Arizona has a program where you get a degree in
 3 several special ed categories at once. You take
 more classes but you get more coverage.
 4 Q. Okay. And so you attend University of Phoenix?
 5 A. Yes.
 6 Q. Do you actually have to go physically there or is
 7 it online?
 8 A. I'm an online student.
 9 Q. And you're currently unemployed?
 10 A. Yes.
 11 Q. Why is that?
 12 A. I worked for the Detroit Public Schools.
 13 Q. Were you laid off?
 14 A. Yes.
 15 Q. How long did you work for the Detroit Public
 16 Schools?
 17 A. Eighteen years.
 18 Q. Have you worked for any other public school
 19 district?
 20 A. Chicago Public Schools.
 21 Q. How long did you work there?
 22 A. Three years.
 23 Q. How long did you live in Chicago?
 24 A. Three years.
 25

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1 BY MR. ASHFORD:
 2 Q. Are you currently a member of the C.A.I.D. or the
 3 Contemporary Art Institute of Detroit?
 4 A. No, I'm not.
 5 Q. Are you familiar with that organization?
 6 A. Yes, I am.
 7 Q. When did you first find out about or when did the
 8 C.A.I.D. or the Contemporary Art Institute of
 9 Detroit come to your attention?
 10 A. I would like to say probably around November of
 11 '07. My son brought it up. I don't quite remember
 12 but I know it was several months before this
 13 incident occurred, he had been going monthly to the
 14 C.A.I.D. for a Funk Night event that happened at
 15 the end of every month and he had been going
 16 several months in a row so I'd say about six months
 17 prior to the incident that occurred.
 18 Q. What did he tell you about the Contemporary Art
 19 Institute of Detroit?
 20 A. That it was an art institute, that a lot of the
 21 young people attended. He got the information, I
 22 believe, from someone he met over at my
 23 chiropractor's office, Dr. Bob, and because of my
 24 relationship with the chiropractor, because this
 25 information came through his office, people that he

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1 Q. When was that?
 2 A. 1980 to '83.
 3 Q. So currently how are you supporting yourself,
 4 ma'am?
 5 A. I have student loan grants and unemployment.
 6 Q. Please don't be offended but I ask everyone these
 7 questions. Have you ever been arrested during your
 8 adult life for a criminal violation?
 9 MS. JAMES: Objection, relevance.
 10 Go ahead.
 11 THE WITNESS: No.
 12 BY MR. ASHFORD:
 13 Q. Have you ever been treated for any type of
 14 substance abuse, alcohol or drugs?
 15 MS. JAMES: Objection, relevance.
 16 MR. ASHFORD: She's just objecting,
 17 unless she instructs you not to answer you have to
 18 answer.
 19 THE WITNESS: No.
 20 BY MR. ASHFORD:
 21 Q. Have you ever been treated for any psychiatric or
 22 mental health issues?
 23 MS. JAMES: Objection, relevance.
 24 THE WITNESS: No.
 25

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1 knew, I felt comfortable about letting Jason
 2 attend.
 3 Q. Okay. Did it come from Dr. Bob himself?
 4 A. No, but some of his patients and his clients also
 5 attended.
 6 Q. ~~From that time until May 31st of 2008 did you do~~
 7 any research concerning the C.A.I.D. to find out
 8 what it was about?
 9 A. No, I didn't.
 10 Q. Did you have any more discussion with your son
 11 concerning the C.A.I.D.?
 12 A. Yes, I did.
 13 Q. Okay. Can you tell me a little bit about those
 14 discussions?
 15 A. He would talk to me about the type of people he
 16 would meet, the conversations they had, some of the
 17 other activities that some of the other individuals
 18 were involved in. He tried to get me to go down
 19 there to look at the artwork.
 20 Q. What kind of activities did he tell you some of the
 21 other individuals were involved in?
 22 A. Well, some of the individuals were artists so they
 23 had art showings.
 24 Q. Okay, so your son went to some of those events?
 25 A. Yes, and I've gone to some of the other art events.

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1 Q. Okay. And that was during daytime hours?
 2 A. Yes.
 3 Q. You did not ever go to any of the Funk Nights?
 4 A. No.
 5 Q. I have to ask.
 6 MS. JAMES: Off the record.
 7 (Discussion held off the
 8 record.)
 9 MS. JAMES: Go back on.
 10 BY MR. ASHFORD:
 11 Q. Did your son ever tell you about any illegal
 12 activities at the C.A.I.D.?
 13 A. No.
 14 Q. Did he ever tell you that he had observed drugs or
 15 the serving of underage minors?
 16 A. No.
 17 Q. Did he ever describe it as a blind pig or an after
 18 hours place for drinking?
 19 A. No.
 20 Q. Do you know any of the people who are responsible
 21 for the administration of the C.A.I.D.?
 22 A. Explain that, please.
 23 Q. Do you know any of the employees of the C.A.I.D. or
 24 any of the volunteers at the C.A.I.D., the people
 25 who were responsible for the daily operations of

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Q. Describe the kind of event, what event you went to.
 A. I went to see the artwork. I like art, my son and
 I go to art fairs and art events.
 Q. So tell me what it's like when you went in. There
 was art on the wall, was there sculpture, I mean
 what did you see?
 A. It's a lot of art on the walls, I don't remember
 sculpture but I do remember when I went upstairs to
 see the urban planning site I was blown away. It
 was so great, it reminds you of the way Burzek Hall
 is made in Ann Arbor with the housing in between
 all the trees and this is the plan that they wanted
 to put down on the Riverfront, I thought it was
 wonderful. I was impressed.
 The young men that I met that
 was there they were articulate, they were
 intelligent, they were laid back, they were the
 type of people that you would want your son around.
 Q. Okay. Was there music?
 A. The day that I was there, no.
 Q. Was there like wine being served at all?
 A. I don't remember.
 Q. When's the last time you had contact with that
 board member?
 A. I saw her in July downtown and we stopped and

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the C.A.I.D.?
 A. I knew a board member. I met a woman who was a
 board member.
 Q. Okay. What was her name?
 A. I don't exactly remember her name. I know that
 she's the niece of Coleman Young.
 Q. The niece of Coleman Young?
 A. Uh-huh.
 Q. Do you have any contact information for her?
 A. Not currently.
 Q. What did she tell you about the C.A.I.D.?
 A. That they had worked -- well, she had worked with
 them on a plan, an urban planning structure for
 housing for some property that's down by the
 Riverfront by Chene Park. Between the General
 Motors building and Chene Park there's some
 property down there that she was interested in
 developing and that artists from the C.A.I.D.
 helped her with the planning of this site. And I
 went down there and I viewed it.
 Q. Okay. So you attended some of the daytime events
 at the C.A.I.D.?
 A. I attended some of the daytime events that people
 who attended the C.A.I.D. gave. I've been there
 once to the C.A.I.D. itself.

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chatted but it's not someone that I see on a
 regular basis.
 Q. Have you ever known your son to have any problems
 with drugs or alcohol?
 MS. JAMES: Objection, relevance.
 THE WITNESS: Am I supposed to
 answer that?
 MS. JAMES: You can.
 THE WITNESS: My son was an
 engineering major and in the field of engineering
 you have to take a hair test in order to pass some
 of the qualifications for a lot of the job
 opportunities and my son understood that at 16 when
 he was working with the Detroit engineering program
 so my son understands why he is supposed to stay
 clean and not use drugs and alcohol and therefore I
 have great faith in him that he does not because
 that's a career choice for him.
 BY MR. ASHFORD:
 Q. So as far as you know he does not do that?
 A. No, he does not.
 Q. Have you ever gone to the C.A.I.D. website?
 A. Once, yes.
 Q. Why did you go on that website?
 A. Jason was trying to show me something that was on

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- 1 the site so he took me there.
- 2 Q. Have you ever participated in any type of web
- 3 conversation concerning the C.A.I.D.?
- 4 A. No, I have not.
- 5 Q. So on May 31, 2008, your car was seized?
- 6 A. Yes.
- 7 Q. How did you find out about it?
- 8 A. When Jason came home about 6 o'clock in the
- 9 morning.
- 10 Q. How did he get home?
- 11 A. Someone from the C.A.I.D. dropped him off.
- 12 Q. Do you know who from the C.A.I.D. dropped him off?
- 13 A. No, I don't.
- 14 Q. Who was the primary driver of that vehicle?
- 15 A. I am.
- 16 Q. And you're the owner?
- 17 A. Yes.
- 18 Q. Was he driving it with your permission that night?
- 19 A. Yes.
- 20 Q. Did you know he was going to the C.A.I.D.?
- 21 A. Yes.
- 22 Q. What kind of vehicle is it? Make and model?
- 23 A. 2005 Pacifica.
- 24 Q. What color?
- 25 A. Light blue.

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- 1 Q. So what did he tell you when he walked in?
- 2 A. When he came in without the car, one of the things
- 3 I noticed as he was explaining to me how the police
- 4 had came in on them was the entire time he was
- 5 talking to me he was holding his hands like this
- 6 because he had sat for five hours or more
- 7 handcuffed while he waited to be the last person
- 8 processed because he kept asking about the badges,
- 9 where is your badge, if you're a police where is
- 10 your badge.
- 11 Because from my understanding
- 12 these individuals came in dressed in fatigues and
- 13 combat boots and they claimed to be police officers
- 14 but they were unwilling to show their badges, and
- 15 every time he asked could he see a badge he got
- 16 thrown down on the ground.
- 17 I found it very interesting
- 18 because we have family members that are retired
- 19 police officers who worked undercover and who have
- 20 worked gang squad and who I grew up with as a child
- 21 having them visit our home dressed in the street
- 22 attire, knowing that they kept their badges around
- 23 their neck.
- 24 Q. What do you mean street attire?
- 25 A. When they're working undercover they have a certain

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- attire that they dress like.
- MS. JAMES: I just want to insert on
- 3 the record that a moment ago when the witness
- 4 testified that Jason had his hands, quote, "like
- 5 this," she had put her wrists together, pushing her
- 6 hands together.
- 7 THE WITNESS: Like handcuffs.
- 8 BY MR. ASHFORD:
- 9 Q. And normally they would just be in regular clothing
- 10 with a badge hanging around a chain?
- 11 A. Yes, but when they're undercover they usually dress
- 12 in street attire. When my relatives were coming up
- 13 it was jeans and a t-shirt. These gentlemen came
- 14 in with Army fatigues and boots so I don't know,
- 15 maybe that's the attire that they're wearing now
- 16 but at the time it's a street attire and a street
- 17 bravado that undercover cops carry themselves in
- 18 when they're infiltrating the neighborhood.
- 19 Q. Okay. Now, what kind of bravado are you talking
- 20 about?
- 21 A. Their attitude.
- 22 Q. Can you describe the attitude you're talking about?
- 23 A. You have your professional attitude and you have a
- 24 street attitude. And so if you're in the streets
- 25 you have a behavior that will help you be able to

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- 1 blend in in the street and that's how they behave.
- 2 Q. Are you saying it's a much rougher attitude to deal
- 3 with rougher people?
- 4 A. Yes.
- 5 Q. And again, that's based on your experience with
- 6 relatives as undercover police officers?
- 7 A. Yes.
- 8 Q. So he's standing there and he's telling you about
- 9 this incident?
- 10 A. Yes.
- 11 Q. Does he present you with any documents as far as
- 12 how to get your vehicle back?
- 13 A. He shows me this ticket and this ticket had this
- 14 information on it stating all the reasons and
- 15 causes that will give a police officer the right to
- 16 seize your vehicle. And as I'm reading this
- 17 information I know that there was no prostitution,
- 18 there was no drugs, there was no this, that, or the
- 19 other, and I'm trying to figure out what was the
- 20 grounds for confiscating the car under these
- 21 conditions.
- 22 Q. Ma'am, I'm going to show you what's been marked as
- 23 Defendant's Exhibit No. 1. And it has Nuisance
- 24 Abatement at the top of the form.
- 25 A. Yes.

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- 1 Q. Is that the type of form that he presented you, not
2 that one but one similar with your name on it?
3 A. No, he showed me the actual ticket that he got.
4 Q. That would be like Defendant's Exhibit No. 2, the
5 ticket, correct?
6 A. It must be on the back side. Is there another side
7 to the ticket that shows all the reasons because it
8 had a list of reasons as to why.
9 Q. Ma'am, I think I know what you're referring to,
10 that's why I showed you Exhibit No. 1.
11 A. Yeah, that one. It might be on the back of this
12 one.
13 Q. Well, at the first paragraph --
14 A. Okay, that's it. Yeah, the top part. I read that
15 and I was saying well, if none of that occurred at
16 the C.A.I.D. so why did they take the car?
17 Q. Now, ma'am, on May 31st of 2008, you did not attend
18 the Funk Night event, correct?
19 A. No, I did not.
20 Q. So you don't have any personal knowledge of what
21 occurred there; is that correct?
22 A. No, I do not.
23 Q. After you were presented with this form did you
24 take action to recover your vehicle?
25 A. Yes, I did.

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- 1 Q. Okay. Who told you that?
2 A. His office, Keith Wright's office did.
3 Q. You weren't talking to Keith Wright?
4 A. No, I talked to someone in his office.
5 Q. Okay. Do you know who you talked to?
6 A. No, I don't.
7 Q. Do you know if they were in the forfeiture unit of
8 the Wayne County Prosecutor's Office?
9 A. Not the first phone call.
10 Q. Then what happened?
11 A. Well, we had to wait on the money to come because I
12 had to get the money from his father to get it out
13 because I didn't have a thousand dollars on hand to
14 give to someone to get my car out.
15 Q. By the way, did you have any other vehicles?
16 A. No, that's my only vehicle.
17 Q. How long was -- strike that.
18 How long were you without it?
19 A. Six days.
20 Q. Were you working at the time?
21 A. Yes.
22 Q. How did you get to work?
23 A. I didn't.
24 Q. Did you have to use vacation time?
25 A. Yes, I did.

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- 1 Q. And what did you do?
2 A. Well, the first thing I did was call his father to
3 tell his father that the car had been confiscated
4 under these conditions and I was really upset about
5 it and the ticket had something to do with the
6 Wayne County Prosecutor's Office.
7 The second thing I did was send
8 an e-mail to Keith Wright who is a member of the
9 Wayne County Prosecutor's Office who I've known
10 since I was 18 to complain about why my car was
11 confiscated under these conditions.
12 Q. Keith Wright is a Wayne County prosecutor?
13 A. Yes.
14 Q. And what did he say in response to your complaint?
15 A. He sent me an e-mail giving me the phone number and
16 the room number of the individual that I was to
17 contact to get my car and he made sure all the
18 paperwork was in order so that I would not have to
19 wait a long time to get the car because when I
20 talked to his office the tickets hadn't been
21 processed yet. It happened on a weekend so Monday
22 morning when all the angry parents started calling
23 downtown about it they didn't even know what we
24 were calling about because they hadn't processed
25 the tickets yet.

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- 1 Q. Was your son working at the time?
2 A. Yes, he was.
3 Q. How did he get to work?
4 A. He had to take the bus.
5 Q. Where was he working at the time?
6 A. I think that's when he was at the Fish Market. No,
7 I don't remember. He might have been at Value
8 City. I don't remember which job he had at the
9 time.
10 Q. But do you remember him having a job?
11 A. Yeah, he had a job, it's just which job he had.
12 Q. Okay, so they're telling you they have to wait till
13 the tickets are processed. What happened after
14 that?
15 A. After they processed the tickets and they found out
16 where the car was the prosecutor's office, Keith
17 Wright's office, called me up and let me know where
18 I could get the car and who I had to contact and
19 they told me that -- he sent me an e-mail
20 personally saying that he couldn't really help me
21 with the \$900 thing, that that was something that
22 had to be paid because I couldn't understand why I
23 was paying it when it didn't fit the circumstances
24 for taking the car but he said that he would make
25 sure that all the paperwork was in order and I

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- 1 wouldn't have any problems getting it out.
 2 Q. Did you think about fighting it?
 3 A. I did want to fight it.
 4 Q. Okay. Did you have an attorney to represent you?
 5 A. No, I didn't.
 6 Q. Okay. But you didn't fight it, correct?
 7 A. The way the prosecutor's office operates, when you
 8 go to sign off to get the car out if you put
 9 anything on that form that says anything to the
 10 fact that you're signing this under duress, you're
 11 signing this to protest, they will not accept the
 12 form so they have a policy that does not allow you
 13 to protest the reason that your car was
 14 confiscated.
 15 Q. Okay. Did you understand that this was a nuisance
 16 abatement lawsuit and that you could contest it in
 17 court at the time with an attorney?
 18 A. I believe Jason did speak to someone and he relayed
 19 that information to me. However, I was not willing
 20 to let my car sit in an impound lot and collect
 21 fees waiting on a court date to deal with that
 22 issue.
 23 Q. Okay. And so you eventually paid the \$900?
 24 A. And the storage and the tow fees.
 25 Q. How much were the storage and the tow fees?

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- A. Yes, they did.
 Q. Did you contact any governmental agency like the
 3 federal government, state government, local
 4 government, like the mayor's office or the Detroit
 5 Police Department?
 6 A. I did contact the police department and filed a
 7 complaint with them.
 8 Q. What aspect? Strike that.
 9 Was it a citizen's complaint?
 10 A. Yes.
 11 Q. Where did you file that?
 12 A. At the Beaubien office.
 13 Q. Did you ever get any response from the Detroit
 14 Police Department?
 15 A. No.
 16 Q. You never received a letter about whether your
 17 complaint was sustained or --
 18 A. No.
 19 Q. -- without merit or anything?
 20 A. No.

MR. ASHFORD: Off the record.
 (Discussion held off the
 record.)

MR. ASHFORD: Back on the record.

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- 1 A. I believe it was close to \$250 because I paid over
 2 a thousand dollars to get the car back.
 3 Q. Okay. So you paid \$900 to the Wayne County
 4 Prosecutor's Office?
 5 A. Yes.
 6 Q. And you paid the towing and storage fees to a tow
 7 yard?
 8 A. Yes.
 9 Q. Which tow yard?
 10 A. I believe it's Gene's.
 11 Q. Where is that located?
 12 A. It's in Southwest Detroit.
 13 Q. What condition was your vehicle in when you
 14 recovered it?
 15 A. There was no damages done to my car.
 16 Q. Did you make any complaint to any federal or
 17 public -- strike that.
 18 Did you make any complaint to
 19 any governmental or public entity or agency
 20 regarding the police action on May 31st of 2008
 21 including the seizure of your vehicle?
 22 A. I sure did. I contacted the newspapers.
 23 Q. What newspaper did you contact?
 24 A. The Detroit News and Channel 4 online.
 25 Q. Did they write any stories?

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1 BY MR. ASHFORD:

- 2 Q. Ma'am, have you sustained any damages or injuries
 3 that we have not discussed here today stemming from
 4 this May 31, 2008 incident?
 5 A. No physical damages or injuries.
 6 Q. Any other type?
 7 A. Emotional.
 8 Q. Describe that for me.
 9 A. I am less likely to allow my son to take my car
 10 into my own city to party.
 11 Q. Why?
 12 A. Because I have no faith in what happens around the
 13 city of Detroit when it comes to the police
 14 department and the young people. My son and I have
 15 sat down years ago when he was like 18, 19 and 20
 16 and had conversations about where you go in Detroit
 17 and where you don't go in Detroit. The kind of
 18 people that you can hang out with, the kind of
 19 people you don't want to hang out with.

With this incident occurring at
 an art gallery in the city of Detroit where kids
 were just having fun it really put me on edge about
 the police department and trusting them and
 allowing him to go out and have a good time in the
 city of Detroit. And I live in the city. I grew

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1 up in the city. I work in the city. And I don't
 2 want my son partying in the city of Detroit.
 3 Q. So what's your alternative?
 4 A. He's found other places to go.
 5 Q. Outside the city?
 6 A. Some of them are. Some of them are still in the
 7 city but, you know, he has to tell me where it is.
 8 You know, yeah, you can go to Corktown, you can
 9 take my car to Corktown because I'm sharing my
 10 vehicle, but no, I'm not that crazy about that
 11 garage that y'all hang out at over there on Forest,
 12 over near Wayne State and even though it's probably
 13 a lot of nice people it's a neighborhood that I'm
 14 not sure whether or not my car will still be there
 15 when you come out so with that type of
 16 apprehension, you know, we always have to negotiate
 17 when it's time to go out and use my car.
 18 Q. Anything else?
 19 A. No.
 20 Q. Thank you very much.
 21 A. Thank you.
 22 MR. ASHFORD: No further questions.
 23 CROSS-EXAMINATION
 24 BY MS. JAMES:
 25 Q. Just quickly, when you missed work while your car

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1 was not available to you did you claim all of those
 2 days as vacation days or some kind of comp days?
 3 A. No, three of those days I took without pay, because
 4 I wanted to hold on to some of my sick days and I
 5 wasn't going to use them all so I took three days
 6 without pay.
 7 MS. JAMES: That's all.
 8 MR. ASHFORD: I have nothing
 9 further. Strike that, actually I do have something
 10 else.
 11 RECROSS EXAMINATION
 12 BY MR. ASHFORD:
 13 Q. Ma'am, how much were you paid a day?
 14 A. Something like, it was \$20 an hour and eight hours
 15 a day, what's that, \$160 a day so three days times
 16 160.
 17 Q. Okay. So you lost approximately \$480 after tax or
 18 before?
 19 A. Before.
 20 MR. ASHFORD: I have nothing
 21 further. Thank you, ma'am.
 22 THE WITNESS: Okay.
 23 (Deposition concluded at
 24 3:08 p.m.)
 25

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1 CERTIFICATE OF NOTARY
 2 STATE OF MICHIGAN)
 3) SS
 4 COUNTY OF WAYNE)
 5
 6 I, La Verne M. Reinhardt, CSR, Notary Public
 7 in and for the above county and state, do hereby certify
 8 that the deposition of WANDA LEVERETTE, was taken before
 9 me at the time and place hereinbefore set forth, that
 10 the witness was duly sworn to testify to the truth, the
 11 whole truth and nothing but the truth, that thereupon
 12 the foregoing questions were asked and foregoing answers
 13 were made by the witness which were duly recorded by me
 14 stenographically and later reduced to computer
 15 transcription; and I certify that this is a true and
 16 correct transcript of my stenographic notes so taken.
 17 I further certify that the signature was
 18 waived by counsel for the respective parties hereto;
 19 also, that I am not of counsel to either party nor
 20 interested in the event of this cause.
 21
 22
 23
 24
 25

La Verne M. Reinhardt, (CSR-2305)
 Notary Public, Wayne County, Michigan
 My Commission Expires: 01-02-15

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EXHIBIT 20

Brandon Cole
10/18/2011

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY MOBLEY, PAUL KAISER,
ANGIE WONG, JAMES WASHINGTON, NATHANIEL
PRICE, JEROME PRICE, STEPHANIE HOLLANDER,
JASON LEVERETTE-SAUNDERS, WANDA LEVERETTE,
DARLENE HELLENBERG, THOMAS MAHLER, and
LAURA MAHLER,

Plaintiffs,

-vs-

Hon. Victoria A. Roberts
Magistrate Judge Mond K. Mazoub
No. 10-cv-10675

CITY OF DETROIT, a municipal
corporation, Lieutenant VICKI YOST,
a Detroit police officer, in her
individual capacity, Sergeant DANIEL
BUGLO, a Detroit police officer, in his
individual capacity, Sergeant G. MCWHORTER,
a Detroit police officer, in his/her
individual capacity, Sergeant A. POTTS,
a Detroit police officer, in his/her
individual capacity, Sergeant CHARLES TURNER,
a Detroit police officer, in his individual
capacity, Officer M. BROWN, a Detroit police
officer, in his/her individual capacity, Officer
B. COLE, a Detroit police officer, in his/her
individual capacity, Officer TYRONE GRAY, a
Detroit police officer, in his individual
capacity, Officer SHERON JOHNSON, a Detroit
police officer, in her individual capacity,
Officer K. SINGLETON, a Detroit police officer,
in his/her individual capacity, and UNNAMED
DETROIT POLICE OFFICERS, in their individual
capacities,

Defendants.

DEPOSITION OF SERGEANT BRANDON COLE

TUESDAY, OCTOBER 18, 2011

Brandon Cole

10/18/2011

2 (Pages 2 to 5)

Page 2

Page 4

Deposition of SERGEANT BRANDON COLE,
taken in the above-entitled cause before Denise Moorfoot,
(CSR-2275), Court Reporter and Notary Public for the County
of Oakland, State of Michigan, at 660 Woodward, Suite 1650,
Detroit, Michigan, on Tuesday, October 18, 2011, commencing at
or about the hour of 12:15 p.m.
APPEARANCES:

MR. DANIEL S. KOROBKIN
American Civil Liberties Union Fund of Michigan
2966 Woodward Avenue
Detroit, Michigan 48201

-and-
MS. KATHRYN BRUNER JAMES
Goodman & Hurwitz, P.C.
1394 E. Jefferson Avenue
Detroit, Michigan 48207

Appearing on behalf of the Plaintiffs.

MR. JERRY ASHFORD
City of Detroit Law Department
660 Woodward Avenue
1650 First National Building
Detroit, Michigan 48226
Appearing on behalf of the Defendants.

Detroit, Michigan
Tuesday, October 18, 2011
12:15 p.m.

BRANDON COLE

was thereupon called as a witness herein and, after
having been first duly sworn to tell the truth, was
examined and testified as follows:

EXAMINATION

BY MR. KOROBKIN:

Q Good afternoon, Mr. Cole.

A Yes.

Q Brandon Cole?

A Yes.

Q My name is Daniel Korobkin. I'm one of the attorneys for
the plaintiffs in this case. This is a deposition for all
purposes under the Federal Rules of Civil Procedure in the
case known as Mobley versus City of Detroit, and it arises
out of a police raid at the Contemporary Art Institute of
Detroit on May 31st, 2008.

I represent nine people who were charged with
criminal misdemeanor offenses in that case and four people
who were not present but who are the owners of vehicles
that were taken from the Contemporary Art Institute of

Page 3

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Detroit.

A Mm-hmm.

Q ~~Mr. Cole~~ or Officer Cole, have you ever been deposed before?

A Yes.

Q How many times?

A Two or three.

Q So you probably know this, but a couple of requests.

First, in order to assist the court reporter, please
answer verbally rather than shaking your head or saying
uh-huh or uh-uh. And if you don't hear a question, you
want to hear it again, you can either ask me to repeat it
or ask the court reporter to read it back to you. If you
don't understand the question, please let me know, and I
will try to clarify it for you or rephrase it.

Mr. Ashford is representing you today. He might
make objections to my questions. If that happens, please
allow him to make the objection and then answer the
question unless Mr. Ashford tells you not to answer. Is
that clear?

A Okay.

Q Okay. What is your current rank?

A Sergeant.

Q What was your rank on May 31st, 2008?

A Police officer.

Brandon Cole
10/18/2011

3 (Pages 6 to 9)

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1 MR. KOROBKIN: I'm going to ask the court
2 reporter to mark Exhibit 1.
3 (WHEREUPON, Deposition Exhibit 1
4 was marked for identification.)
5 BY MR. KOROBKIN:
6 Q I'm handing you a document entitled Notice of Taking
7 Deposition Duces Tecum of Officer B. Cole. Officer, have
8 you ever seen this before?
9 A Previously, yes.
10 Q You have?
11 A No. I'm sorry. I have seen the case file. This
12 particular form, no. I was actually never even given
13 notice to be here today until I was called about an hour
14 ago.
15 Q You'll see that there's a list of items that this form
16 asked you to bring on pages 2 and 3. Did you bring
17 anything with you today?
18 A No. I didn't even know why I was coming down here today.
19 MR. KOROBKIN: I'll just note for the record
20 that we reserve the right to continue the deposition or
21 recall Mr. Cole, Officer Cole, if the items or requests in
22 this document later come to light or are later produced.
23 BY MR. KOROBKIN:
24 Q Officer Cole, I'm done with that exhibit.
25 A I just wanted to see what was on there.

Page 7

1 Q Sure. Officer Cole, did you review anything before
2 today's deposition?
3 A Yes. I was given a run sheet that I shared with the other
4 two officers I was working with that night and a copy of
5 one of the reports that vice put down everybody's name and
6 the orders that they were issued.
7 Q Would you mind if I take a look at those?
8 A Sure.
9 MR. ASHFORD: What else did you review?
10 THE WITNESS: I think that's the same thing.
11 MR. ASHFORD: No. It's two different things.
12 THE WITNESS: Okay. I didn't even look at that.
13 BY MR. KOROBKIN:
14 Q Let the record reflect that Officer Cole has handed me
15 three items. One is a Detroit Police Department Activity
16 Log dated 5-30-08 with his name on line number three. The
17 two other items are CRISNET forms. One is a Detroit
18 Police Department Crime Report for 5-31-08, and the second
19 is a Detroit Police Department Follow-Up Report dated June
20 2nd, 2008. Is that an accurate description of those
21 items?
22 A Yes.
23 Q Have you spoken with anyone other than your attorney about
24 the case that we're here to talk about today?
25 A There's several times I have talked to some of the

Page 8

1 officers that were involved in it. This has been going on
2 for a few years now, so, yeah, we've talked about it.
3 Q Can you tell me who those officers are?
4 A Well, I remember directly having a conversation with Mike
5 Brown.
6 Q Michael Brown?
7 A Yeah.
8 Q Okay.
9 A And Lieutenant Yost. And probably other people, but I
10 can't remember their names offhand.
11 Q Michael Brown, Lieutenant Yost. What is Michael Brown's
12 rank?
13 A He's an officer.
14 Q What was the substance of your conversation with
15 Lieutenant Yost?
16 A Just basically, when it hit the paper, we were talking
17 about it, basically what happened and the fact that it was
18 in the paper.
19 Q Do you remember what she said to you about it?
20 A Nothing of importance. I can't even -- nothing that I
21 stored away, so, no, I can't remember exactly.
22 Q Did you say anything about it that you can recall?
23 A Just we were talking about it to the point, "Is this the
24 same place that we went over? You know, okay."
25 Q And this came about because you or someone you know saw

Page 9

1 something about it --
2 A I saw it in the newspaper.
3 Q In the newspaper. Okay.
4 What's your full name, Officer?
5 A Brandon Michael Cole.
6 Q And your badge number?
7 A Right now it's S-94. It was 280.
8 Q 280 at the time of the raid?
9 A Correct.
10 Q S-84 (sic) stands for sergeant?
11 A S-94.
12 Q S stands for sergeant?
13 A Correct.
14 Q What is your current department or division within the
15 department?
16 A I work in the Northeast District which is the old number
17 11.
18 Q What was your position or assignment on May 31st, 2008, at
19 the time of this incident?
20 A I was a police officer. If I can look at my run sheet, I
21 can tell you exactly what we did that day.
22 Q Sure. I'm just asking what unit you were in.
23 A Tactical mobile, and it looks like we were out of service
24 that day over in the Eastern District.
25 Q But you weren't on detail to tactical mobile from some

Brandon Cole
10/18/2011

4 (Pages 10 to 13)

Page 10

1 other division?
2 A No.
3 Q That was your assignment?
4 A That was my assignment.
5 Q How old are you?
6 A Now thirty-three.
7 Q How long have you been with the department?
8 A A little over thirteen years.
9 Q Did you come to the department straight out of high
10 school?
11 A No. I went to college. I did some other work.
12 Q Okay. Tell me about your education. Where did you
13 graduate high school?
14 A I graduated from Cass Technical High School. Currently I
15 am a student of biology at Wayne State. I have a
16 certificate -- Oh, let's see. I'm a pharmacy technician,
17 so I have a certificate in pharmacy technology. I have
18 been to numerous classes and numerous other things. I
19 don't know how far you want me to go. I could probably
20 talk to you for two hours about everything I have done
21 over the years.
22 Q Well, we don't have that much time.
23 A Yeah.
24 Q Let me ask you, do you have any law enforcement experience
25 outside of the Detroit Police Department?

Page 12

1 A No.
2 Q And you have never served as a sworn officer on a force
3 other than the Detroit Police Department?
4 A No.
5 Q Did you receive any training in connection with your
6 private security job? Yeah, that's the question. Did you
7 receive any training in connection with your private
8 security job?
9 A Depending on the task at hand, it's kind of one of those
10 things that intermeshed. The training from the police
11 department and training in the security job kind of
12 intermeshed. They never took me aside and basically said,
13 "Okay. We're going to sit and show you how to do
14 surveillance work." It's kind of one of those things you
15 picked up while working, skills you picked up.
16 Q So the only law enforcement training you have had has been
17 in connection with your employment with the Detroit Police
18 Department?
19 A Yes. I would say so, yes.
20 Q Have you been to a police academy?
21 A Yes.
22 Q What academy?
23 A Detroit Metropolitan Police Academy.
24 Q And did you complete your service at the academy?
25 A Yes.

Page 11

1 A No.
2 Q Do you have any security or other experience that would
3 require or expect use of force outside the Detroit Police
4 Department?
5 A Yes.
6 Q Can you tell me what that is?
7 A I've worked for a security company while working as a
8 police officer for six to seven years.
9 Q What's the name of that security company?
10 A It was named Zorro, Z-O-R-R-O, and now it is called -- I'm
11 trying to remember, because I'm an independent contractor.
12 I can't remember the new name. It changed a little while
13 ago.
14 Q Where are they located?
15 A I think their office is out of Novi right now. I would
16 have to look all this stuff up.
17 Q How long have you been working with them?
18 A Off and on for like six, seven years.
19 Q Is that --
20 A It's not a constant job thing. It's one of these things I
21 get called up as necessary, as needed. I have done some
22 homeland security work. I have done some other things
23 basically amounting to that.
24 Q Have you ever worked for a private security company other
25 than that company?

Page 13

1 Q When was that?
2 A In '99.
3 Q And was that at or around the same time you were hired by
4 the Detroit Police Department?
5 A You're technically hired in the academy. They start
6 cutting you a check while you're there. So before your
7 training is even completed, you're hired by the police
8 department. Whether they keep you is whether you pass the
9 training.
10 Q Did you pass?
11 A Yes.
12 Q Do you know your exact date of hire at the Detroit Police
13 Department?
14 A March 8th of '99.
15 Q Other than the tactical mobile unit, what other divisions
16 or teams have you been assigned to within the Detroit
17 Police Department?
18 A I started off at the tactical services section, which is
19 the predecessor of the tactical mobile unit. I did a year
20 stint at the Detroit Police Department's fatal squad which
21 handles the fatal accidents in the City of Detroit. I did
22 another almost a year stint at the traffic admin unit
23 which handles all the hit-and-run accidents in the City of
24 Detroit. While doing all that, I was a sniper for the
25 department, and I have been tasked out to numerous units

Brandon Cole

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5 (Pages 14 to 17)

Page 14

1 for weeklies or monthlies in and out with my service for
 2 this department. So I can't even go through all of them.
 3 It's like one of these things, "We're sending you, you,
 4 and you. Go work with them."
 5 Q Have you held a rank other than sergeant or officer since
 6 you have been hired within the Detroit Police Department?
 7 A No.
 8 Q When were you promoted to the rank that you currently
 9 hold?
 10 A December -- It's going to be like December of last year,
 11 the second or third week in December.
 12 Q Have you ever been demoted?
 13 A No.
 14 Q Have you ever been denied a promotion for which you
 15 applied?
 16 A We were just discussing that. I wasn't denied a
 17 promotion. I was passed over, and there was a civil
 18 lawsuit that was filed that actually got some sergeants
 19 demoted, and instead of me being promoted off the old
 20 list, I was promoted off a new list which kind of held me
 21 up because I should have been promoted off the old one and
 22 took the new one to become a lieutenant. I should have
 23 been a lieutenant by now.
 24 Q So you expected to be promoted earlier than you actually
 25 were?

Page 16

1 that correct?
 2 A Yes.
 3 Q I'm going to ask you to just take a moment to review this
 4 document and tell me, does it appear to list all of the
 5 training you have been provided while employed at the
 6 department?
 7 A I've never seen this before. Yeah, it looks like a
 8 complete list of my training.
 9 Q Very good. Who has the highlighted copy?
 10 A I do.
 11 Q Can you take a look at the highlighted line on page 5 of
 12 6?
 13 A Mm-hmm.
 14 Q It says "Controlled F.O.R.C.E. Level 1 & Level 2"?
 15 A Mm-hmm.
 16 Q Can you tell me, do you know what that is?
 17 A Controlled F.O.R.C.E. is kind of like a martial arts
 18 technique that utilizes joint maneuvers and turns. As
 19 best as I can tell you, it's similar to Aikido, A-K-I-D-O.
 20 It's more of a manipulation, a joint manipulation. And I
 21 was there for two weeks, and they basically instructed us
 22 and made us instructors in the technique and how we were
 23 supposed to teach it throughout the department.
 24 Q Are you familiar with the phrase "use of force"?
 25 A Yes.

Page 15

1 A Correct.
 2 Q And you're saying that the only reason you weren't was
 3 because of a civil lawsuit against the City of Detroit?
 4 A No. What had happened was that our ex-chief promoted
 5 people out of turn, and because of that, when she did
 6 that, it opened up -- And then there was another test
 7 given. Because she did that and promoted them, the people
 8 were summarily demoted like two years after. And instead
 9 of promoting me off the old list, I was already promoted
 10 off the new one that just came, but I should have moved up
 11 further through the system, but because of that, I didn't.
 12 Q Sir, just to confirm, the reason you were not promoted as
 13 early as you thought you should have been, as far as you
 14 know, is unconnected to your individual performance?
 15 A No. It had nothing to do with my performance.
 16 MR. KOROBKIN: Very good. I'd ask the court
 17 reporter to mark Deposition Exhibit 2.
 18 (WHEREUPON, Deposition Exhibit 2
 19 was marked for identification.)
 20 BY MR. KOROBKIN:
 21 Q Do you recognize this document?
 22 A I have never seen this document before, but I'm guessing
 23 it's my grades through the academy.
 24 Q For the record, it says "Student Performance Record" at
 25 the top, and your name is listed at the top as well; is

Page 17

1 Q Would you characterize that class as teaching you anything
 2 on the use of force?
 3 A They go through a little bit of the use of force and where
 4 it falls into the force continuum, the spectrum, but it's
 5 similar to an open-hands technique, so it would be one of
 6 the first steps of force in an escalation.
 7 Q Did that class include any instruction on when it is
 8 legally proper or permissible to use force?
 9 A Legally proper or permissible --
 10 Q Yes.
 11 A -- to use force?
 12 Q To use force.
 13 A As in civilly legally or as in what? I don't understand
 14 the question.
 15 Q Well, let me go back to -- Have you ever had any training
 16 on when the law would allow you, as a police officer, to
 17 use force?
 18 A Yes.
 19 Q Okay. Was that training included in the class that we
 20 were just discussing?
 21 A They went through, like I said, where this technique falls
 22 in our force continuum and, yes, some aspects of when you
 23 could use it. If somebody was an active aggressor, if
 24 they were balling their fist, how would you get to your
 25 position or basically position yourself not to take the

Brandon Cole

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6 (Pages 18 to 21)

Page 18

Page 20

1 blow or divert the blow. And it's basically, like I said,
2 it's a joint manipulation test. But most of this was
3 after something has already escalated. You're not going
4 to just walk up to somebody and use a Controlled
5 F.O.R.C.E. technique to somebody that's just standing
6 there. It doesn't work that way.
7 Q Was the person who taught the class a law enforcement
8 official?
9 A I don't remember.
10 Q Okay. That's the only question I have on that particular
11 issue, but I want you to keep looking at that document.
12 Is there any training you have received since completing
13 the academy that's not listed on that document as far as
14 you can tell?
15 A I think this is pretty much a summary. Yes, this is a
16 summary of what I have taken.
17 Q I'll take that back.
18 Are you familiar with the Detroit ordinance
19 referred to as loitering in a place of illegal occupation?
20 A Yes.
21 Q Have you ever received training specific to that
22 ordinance?
23 A As in what the meaning of the ordinance was and why would
24 you write this ticket? Yeah, you would have it in the
25 academy and basically your FTO program, and I have written

1 The thing that would -- I was told basically like taking
2 up parking spaces, blocking the street, causing issues in
3 the neighborhood because of this illegal activity.
4 Q Was that law or statute reviewed in the academy as well?
5 A I think that came out after I was in the academy. It came
6 out, if I remember correctly, I think it came out
7 afterwards.
8 Q So when, to the best of your knowledge, when did you
9 receive training, if any, on that?
10 A Years ago. I don't remember.
11 Q Ten years ago? Five years ago?
12 A Your guess is as good as mine.
13 Q Any time within the few years just prior to the raid that
14 happened in this case?
15 A Did we go over it?
16 Q Yes.
17 A I don't recall.
18 Q Execution of search warrants, was that covered at the
19 academy?
20 A Yes.
21 Q Did you receive any training on execution of search
22 warrants after you left the academy?
23 A Yes.
24 Q When was that?
25 A When I was at the fatal squad, I was shown how to create a

Page 19

Page 21

1 a ticket before. I don't know the gist of it, but it
2 basically amounts to if there's an illegal activity and if
3 somebody is there.
4 Q Let me just direct you to whether you have had specific
5 training about when that could be -- when that ticket
6 could be issued.
7 A This ticket, this training, or just a cusp of all the
8 tickets? Because when we go through the academy, they
9 give us the complete ord book, and we go through the
10 majority of the entire book one at a time. So, yes, at
11 the academy, we did, but it may have been a very brief
12 going over of what this ticket means and what it's used
13 for.
14 Q Right. And that would have been the academy in 1999; is
15 that right?
16 A Correct. Yes.
17 Q Anything that you can think of since then where that
18 ordinance has been discussed in a training session?
19 A No.
20 Q Have you heard of the nuisance abatement law?
21 A Yes. It's when they have been taking property or vehicles
22 if they're basically shown to be a nuisance and causing a
23 disturbance to the neighborhood; i.e., a blind pig, a dope
24 house, prostitution, anything that leads up to illegal
25 activity that will cause a nuisance to the neighborhood.

1 search warrant, do up the packet, get the affidavit
2 signed, get a prosecutor to sign off on it, take it down
3 to the judge's office. They walked me through that
4 because that's what they needed me down there for was to
5 process their felony warrants.
6 Q Were you given any training regarding who may be detained
7 during the execution of a search warrant?
8 A I know from previous experience, not maybe directly
9 training. If we have to hold a scene for a search warrant
10 and a person, say, leaves the premises, you can't keep
11 that -- you can't keep that person there. You can't hold
12 him there. He's free to go until the search warrant gets
13 signed, and then, unless you believe there's risk of
14 evidence being destroyed, i.e., the person is leaving, but
15 he set fire to the place or something to that extent, then
16 you can detain him and make entry into the building to
17 hold it to obtain the search warrant and then move
18 forward.
19 Q So, in other words, the search warrant allows you to
20 search the place described in the search warrant or the
21 person described in the search warrant?
22 A Correct.
23 Q It doesn't necessarily authorize you to detain someone who
24 happens to be on the premises?
25 A Not at that particular moment. Well, when you have a

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7 (Pages 22 to 25)

Page 22

1 search warrant in hand, yes. Say you're going in. You
2 have a place that's a suspected grow house operation, and
3 this is a similar set of circumstances. It gives you the
4 right to hold that person that's inside of it if you go in
5 there and find him. He can't just walk out after you have
6 the search warrant in hand and just leave the premises;
7 now it's too late. You can hold them now because it's
8 named in the search warrant, any and all persons that are
9 contained in the premises. You can hold them and search
10 them and arrest them if you have probable cause to do so.
11 Q If the search warrant says any and all persons on the
12 premises?
13 A Correct. And that would be in the search warrant.
14 Q If it doesn't say that, you would need some independent
15 probable cause?
16 A Correct. Absolutely.
17 Q Were you ever taught or trained in the question of the
18 need for individualized probable cause?
19 A This person belongs to me? I saw him committing the act?
20 Q The need to have -- were you ever trained in the need to
21 have probable cause for the particular individual that's
22 being detained, searched, or arrested as opposed to a
23 large group of people?
24 A Yes.
25 Q And what is your understanding of the training you

Page 24

1 A How much? Because I can bring in -- Do you want just
2 pertinent to this? Or I can bring in stuff that you guys
3 can't see because it's only disclosed for law enforcement
4 only. From my training, you can see that I have had stuff
5 in chemical weapons and weapons of mass destruction.
6 Nothing personal, but you won't get those.
7 Q Sure. Why don't you produce them to your attorney, and he
8 knows what we have asked for, and then he'll make an
9 assessment of whether it should be produced to us.
10 A Okay.
11 Q Thank you. We have spoken about the tactical mobile unit;
12 is that right?
13 A Yes.
14 Q Can you tell me what the tactical mobile unit is?
15 A We are what amounts to as a mobile -- or we were.
16 Correction. I was. It was a mobile precinct, and we get
17 sent city-wide and basically where the issues are in the
18 city. If there's a lot of robberies or homicides or
19 shootings, they would send us in. We also answer police
20 runs. We also assist narcotics. We also assist vice or
21 any unit that needs uniform presence from every walk of
22 life. Every unit in this department we have assisted that
23 I can remember.
24 Q Is it a sub unit within some other division in the
25 department, or is it its own freestanding unit?

Page 23

1 received?
2 A That this person belongs to me. This is my person. This
3 ~~person belongs to me. You have to follow through the~~
4 chain with this person. And also, especially with mass
5 arrests, you can't have one person writing a hundred
6 tickets. It's impossible to justify probable cause on
7 that unless you're, you know, House -- or not House, a
8 monk, and you're an idiot savant, and you say, "Yeah,
9 that's him. He's got blue eyes. He's five foot --"
10 Unless you're an idiot savant, there's no way you can
11 remember all that.
12 Q When you say, "This person belongs to me," you mean, "I
13 know the basis for probable cause for this individual
14 person"?
15 A Correct.
16 Q When you receive trainings, do you sometimes receive
17 written materials to take away with you?
18 A Yes.
19 Q Do you keep those materials?
20 A If it's something that I haven't had duplicates of
21 already, yes, I keep them.
22 Q Is there a particular place where you keep them?
23 A In my office at home.
24 Q Okay. Can I ask you to produce those to your attorney at
25 your earliest convenience?

Page 25

1 A I know it's separated now. At that particular moment in
2 time, it was part of homeland security, if I remember
3 ~~correctly, along with the SWAT team or SRT and the snipers~~
4 and K-9.
5 Q It was joined with SRT?
6 A Not joined in the aspect of umbrella. You asked if it was
7 a sub part. Yes. It was like an umbrella of these units
8 fall under these units; these units fall under patrol. So
9 we were under the same umbrella, but we didn't like go out
10 together every day, the same time every day, no, we didn't
11 do that.
12 Q So I may have missed who was under the same umbrella at
13 the time, if you remember?
14 A If I remember correctly, we were under homeland security
15 which was us, SRT, K-9, and the snipers.
16 Q Were you ever a sergeant in tac mobile?
17 A No.
18 Q That promotion came later?
19 A Correct.
20 Q How many officers were in tac mobile at the time, if you
21 know?
22 A I don't remember that exact number, no.
23 Q Can you give me some sort of ballpark? Hundreds?
24 Thousands?
25 A Oh, no, no.

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8 (Pages 26 to 29)

Page 26

1 Q Ten?
2 A I can give you a ballpark. Fifty.
3 Q Now, Tac 15, was that your unit?
4 A I was on that unit that day, yes.
5 Q So the number 15, what does that mean?
6 A It's just a car designation. Usually it means a
7 two-person car. That day we were working a third-person
8 car. I think it was because we didn't have enough
9 vehicles that day, so they put me on as a third man on
10 that car. Fifteen is just a number. It has no relative
11 sense to the number of people working that night. It
12 could be Tac 1, Tac 3, Tac 15, Tac 22. It's kind of one
13 of those things that is independent to the officers. It's
14 their car. Tac 15 is their car. My car there, the unit
15 was Tac 11.
16 Q But you were not at Tac 11 that night?
17 A No, I was not working Tac 11 that night, no.
18 Q You didn't mention vice as being under the same umbrella
19 as you. What's the relationship between tac mobile and
20 the vice enforcement squad?
21 A Uniform presence.
22 Q Can you elaborate about what that means?
23 A If there's a need, because they know there's going to be a
24 large amount of people, we also -- That was another one of
25 our tasks was crowd control, riot control. We know how to

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1 handle mass amounts of people. They'll call us for help,
2 and we will go assist them. We do the same thing with
3 narcotics; we assist them if they know there's going to be
4 a large amount of people in a place that they were going
5 to go hit.
6 Q If you're providing assistance to vice enforcement in an
7 operation or a raid, who is in command?
8 A The head of vice.
9 Q Okay. You mentioned earlier today the term blind pig.
10 Can you tell me your understanding of what a blind pig is?
11 A A place that serves alcohol after hours or a place that
12 doesn't have a liquor license and was selling alcohol
13 without the license during hours.
14 Q Anything else?
15 A No.
16 Q The answer is no?
17 A No.
18 Q How many times have you participated in a raid of a blind
19 pig?
20 A Hundreds.
21 Q Hundreds?
22 A At least over a hundred.
23 Q Okay. So it happens all the time?
24 A We were called to assist a lot, yes.
25 Q And you would describe what happened on May 31st, 2008, as

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1 a raid on a blind pig?
2 A Yes.
3 Q What is the purpose of the raid on a blind pig? What is
4 the goal in raiding a blind pig?
5 A Usually there's a complaint. Somebody in the neighborhood
6 complains, a church group, people in the neighborhood,
7 that people are out all night causing a disturbance,
8 causing problems, cars parked all over the street, parked
9 all over the sidewalks. General disarray, that's the best
10 example. And because it's not a licensed establishment or
11 it's a place that doesn't have a liquor license to lose,
12 they don't care. Minors are allowed to drink. People
13 come and go as they please. Usually narcotics and weapons
14 are involved, also. It's a place of ill repute.
15 Q Is a blind pig a type of a nuisance?
16 A The building itself? Usually, yes, it is very much of a
17 nuisance.
18 Q And is it fair to say the purpose of raiding the blind pig
19 is to shut down the nuisance?
20 A It's, yeah, to stop the nuisance, to stop the problem,
21 yes.
22 Q Is one of your goals to make arrests when you raid a blind
23 pig?
24 A Yes.
25 Q And who, in general -- and I'm talking generally -- who

Page 29

1 would be the target of such arrests?
2 A The instigators.
3 Q By instigators, do you mean the people actually running
4 the blind pig?
5 A It goes both ways. It's the people running it from the
6 security to individuals in the blind pig have gone to
7 jail, too, because --
8 Q Please continue.
9 A For whatever, for narcotics, weapon violations, warrants.
10 You process a person. You run their names, you find out
11 what they have, if they have any issues. If they have
12 felony warrants, they go to jail. It's a multifaceted
13 thing that happens.
14 Q The people who are not what you described as the --
15 instigators but the people who just happen to be there, if
16 they go to jail, is that because you found something once
17 you detained them there that would cause them to go to
18 jail?
19 A It would be rather the incident itself, depending on the
20 incident itself, the circumstances of each incident, and
21 the person that is there. Each individual circumstance
22 sets up its own set of circumstances. Sometimes they go
23 to jail; times they don't. Sometimes they're ticketed and
24 released; sometimes they are taken to the station, and a
25 warrant is typed up. Just each set of circumstances leads

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9 (Pages 30 to 33)

Page 30

1 to something different.

2 Q Would it be fair to say the target or goal of a raid on a

3 blind pig is to shut down the operation?

4 A Correct.

5 Q Are there any other goals or targets of the raid?

6 A It's to stop the nuisance. That's the goal.

7 MR. KOROBKIN: I'm going to ask the court

8 reporter to mark Exhibit 3.

9 (WHEREUPON, Deposition Exhibit 3

10 was marked for identification.)

11 BY MR. KOROBKIN:

12 Q Officer Cole, have you seen this document before?

13 A It looks like the SOPs for a blind pig. I have never seen

14 this sheet of paper individually before, no.

15 Q By SOP, you mean standard --

16 A Standard operating procedures. And the reason why is

17 because it's set up in a certain format that I have seen

18 before for SOPs.

19 Q Do you believe it comes out of a manual or some type of

20 training material?

21 A Yeah. Yes.

22 Q A manual?

23 A I don't know where exactly it came from, no.

24 Q You don't happen to know who wrote it or who prepared it?

25 A No.

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1 Q Have you ever seen any other documents setting forth

2 policy on blind pig raids other than this one?

3 A I have seen -- We have had discussions on blind pig raids,

4 like I said previously, in the academy and through

5 experience working with vice, working with narcotics,

6 working with individual units, working with the County. I

7 have seen some of this information on some of the nuisance

8 abatement forms that are printed out, that are handed to

9 the people when you have taken their car.

10 Q The notices that you give?

11 A Correct. It seems like a very similar document.

12 Q Have you had a chance to review what's written on this

13 document? And I'll just ask -- I'll tell you my question

14 is whether you believe it accurately reflects the Detroit

15 Police Department's policy regarding blind pigs and blind

16 pig raids?

17 MR. ASHFORD: Object to that question. No

18 foundation. You can answer, though. You can answer if

19 you can.

20 THE WITNESS: It looks like it, yes, standard

21 operating procedure for a raid.

22 BY MR. KOROBKIN:

23 Q A blind pig raid?

24 A A blind pig raid, yes.

25 Q Would you understand what I meant if I asked you whether

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1 something was the custom of the police department?

2 A Is this what we do every single time? Yes.

3 Q Let me ask you to turn over the piece of paper to page 2.

4 There are a list of assignments here. Do you see those at

5 the top of the list?

6 A Correct.

7 Q Which of these, if any, would be given to someone in the

8 TMU, tactical mobile unit?

9 A Well, this is when the situation exists where it's just

10 vice doing it.

11 Q Okay.

12 A When you ask for assistance because of more people, the

13 cusp of this will change because you have a dynamic

14 incident with a lot more people. This set of

15 circumstances would work out if you had ten, fifteen,

16 twenty people. When you start getting over fifty, a

17 hundred, two hundred, a thousand, you want to change the

18 sets of circumstances to allow for those numbers of

19 people.

20 If you want it to be -- what it would be would

21 be uniform officers for security, but if you have a

22 thousand people when you hit the raid, my job, my task

23 would be different at tac mobile. I might be going in

24 with SRT as part of the raid crew. But if you were just

25 to do as, like I said, a small one, yes, this is what I

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1 would follow as guidelines, and you would put "need

2 uniformed officers for rear security," that would be me.

3 Q So have you ever been assigned one of the tasks one

4 through nine, or are you always in the "need uniformed

5 officers for rear security"?

6 A I was uniformed officers rear security or crowd control.

7 That's what my job was tasked.

8 Q By the way, uniformed officers, does that mean the

9 standard blue conventional, you know, police department

10 uniform?

11 A Depending on time and day. For years in tac mobile we

12 were in uniform, badge, hat, uniform. I was in a uniform,

13 but it's the tac mobile uniform. It's a black set of

14 BDUs, patch, ID, gun belt.

15 Q I'm sorry. BDUs?

16 A Yes, BDUs.

17 Q What does that mean?

18 A That's just what they're called, the initials for them.

19 They're 5.11 BDUs, that's the name of them.

20 Q Can you describe what that is?

21 A Similar to a military uniform.

22 Q It looks more paramilitary than police?

23 A Yes.

24 Q And you said that people in the TMU are usually dressed

25 in --

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10 (Pages 34 to 37)

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1 A We had switched over by this time, yes. We were in our
2 tac uniforms then or BDUs.

3 Q How were the other officers in the blind pig raid usually
4 dressed? Well, let me back up. Strike that question.

5 In the vice squad, among the officers in the
6 vice squad, how are they usually dressed during a raid?

7 A Black. "Police" on the front, sometimes with masks,
8 sometimes not, depending on if they don't -- Because a lot
9 of the vice work undercover, they don't want to let their
10 faces be known, but noticeably the police.

11 Q Other than it saying "Police" on the front, why do you say
12 noticeably the police?

13 A Well, not only that, just the officers in uniform, you're
14 talking about the vehicles and the scout cars that pull
15 up. You're talking with lights activated, ten scout cars
16 with lights, flashing lights that are -- You know when
17 we're coming, it's the police. It's a noticeable
18 presence. It's not like we just pop out of the smoke.

19 Q Going back to the dress, the way the members of the vice
20 squad are dressed, are they typically wearing a badge?

21 A Some of them around the neck, yes.

22 Q Around the neck?

23 A Yes.

24 Q Is "Police" written just on the front, or is it written
25 all over their uniforms?

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1 A It depends on the individual officer. They have some
2 individuality to their dress.

3 Q Can you tell me how large the letters or word "Police" is
4 on the black uniform?

5 A On mine?

6 Q No. On the vice squad black uniforms.

7 A It depended on the officer.

8 Q Have you ever seen an officer wearing a black uniform that
9 did not say "Police" at all?

10 A Yes.

11 Q And have you seen that during a blind pig raid before?

12 A Yes.

13 Q And other than the fact that they got out of a police car,
14 is there anything about that person's dress that would
15 designate them as a police officer?

16 A Well, you were asking for officers at the scene, and I was
17 going to tell you SRT, because they have no identifying --
18 anything on their uniforms.

19 Q SRT is special --

20 A -- response team, yes.

21 Q Special response team. What do they wear?

22 A All black.

23 Q And why don't they have anything written on their uniforms
24 that says "Police"?

25 A Anything that would draw attention, become a target. They

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1 are the SWAT team or the SRT team for the department. Any
2 badge, white object, or anything else makes them a visible
3 target. They go after -- They make entry from dope houses
4 to blind pigs. They don't want anything to make them an
5 easier target, so they are all in black.

6 Q So, in fact, the purpose of them being all in black is so
7 that they can't be identified as police?

8 A No, that's not what I said. The purpose for being all
9 black is not to have a target to be shot at; i.e., if I
10 have a nice shiny badge, and here I'm going after a man
11 with a machine gun, thank you, here's my target. It makes
12 them less of a threat to them and their safety. These are
13 the people that go in.

14 Q So it's more like camouflage?

15 A Yeah. The use of it is more for camouflage, yes.

16 Q You said that SRT is under the same -- was under the same
17 homeland security umbrella as TMU?

18 A Correct.

19 Q SRT frequently accompanied you on blind pig raids?

20 A When it came to massive amounts of people and we needed
21 control, because the more people, the more threats, the
22 more issues, it's -- They you came out sometimes; other
23 times they didn't. Most of the time they only came out
24 when we knew we were going to have a very large group of
25 people that needed to be contained and controlled and

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1 dealt with at one particular moment in time.

2 Q How large?

3 A It is what we were expecting.

4 Q Mm-hmm.

5 A When we have hit places, we have had them when we hit
6 places that have five hundred people. When we hit a place
7 -- I can remember we used them when there was only twenty
8 people, but that wasn't what we thought was going to be in
9 there. By the time we got there, there was only twenty
10 people there. It's just happenstance and circumstances on
11 when they were used.

12 Q So if you expected about a hundred people, would that be
13 something you would use SRT for?

14 A That would have been up to the commander.

15 Q You said you have been on hundreds of blind pig raids?

16 A Yes.

17 Q Is it your experience that when there are approximately a
18 hundred people, SRT accompanies the raid?

19 A It's been my experience, when there was a thought that
20 there would be a lot of people, yes, that SRT would have
21 been along, yes.

22 Q Would a hundred be, as you say, a lot?

23 A It would be dictated by the commander. We would just be
24 told there's going to be a lot of people here, and they
25 would be there or they wouldn't be there depending on the

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11 (Pages 38 to 41)

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1 set of circumstances.
2 Q So when you say a lot, you're not really sure?
3 A Their guidelines, what a lot was, no.
4 Q Now, you also said it would have to be a crowd that would
5 need to be controlled in some way?
6 A Well, when you do a vice raid, you don't want people just
7 running all over the place. Plus there's always the
8 threat of a person with a weapon, them panicking, hostages
9 being taken, weapons being thrown, people assaulting
10 officers, people trying to get away and assaulting
11 officers on their way out. I have seen a lot that's
12 happened during vice raids, yes, or any particular raid of
13 a large group of people.
14 Q If there was no expectation of that kind of a threat,
15 would that be an indication that SRT should not come?
16 A That's wasn't my decision. It would be the commander to
17 make that decision if they were coming or not.
18 Q Do you happen to know or --
19 A I can tell you there were times I wish we had them when we
20 showed up, and we didn't.
21 Q Would the determination about whether you needed SRT be
22 based solely on numbers of people, or would it also be
23 based on the expectation of the reaction of the people
24 that were going to be there?
25 A It was each -- Like I said, each one is certain

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1 circumstances. Each one of those dictated those, and that
2 was up to, like, once again, commander of vice. Commander
3 of vice, if they needed our help, that was dictated by
4 them. They did vice raids without us; they did vice raids
5 with us.
6 Q So I understand what you're saying, that you didn't make
7 that decision?
8 A No.
9 Q Do you happen to know what criteria were used to make the
10 decision about whether SRT was needed?
11 A Besides, like I said before, violence and numbers, that's
12 usually the criteria, either violence or numbers. If
13 we're expecting a lot of people, we had the use of SRT.
14 The SRT was used. If we expected violence, SRT was used.
15 But like I said, there was times that we went out, and SRT
16 wasn't used, and we needed them to the point of -- because
17 of numerous weapons, narcotics, issues, issues with
18 people, people fighting with the police when we pulled up.
19 There was issues.
20 Q Is it fair to say that if you were expecting a crowd, but
21 it was expected that the crowd would be peaceful, that SRT
22 would not be needed?
23 A That's up to the commander and the set of circumstances.
24 I don't know.
25 Q Who usually is the first to go into a blind pig raid? And

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1 we'll get to the actual raid that happened in a moment,
2 but I just wanted to know, as a general matter, which
3 teams go in first?
4 A As a general matter, usually vice goes through first.
5 Q And they're wearing all black?
6 A And they are wearing their modified uniforms, yes.
7 Q When would you go in as a member of SMU? I'm sorry.
8 A TMU?
9 Q TMU.
10 A Once again, depending on the set of circumstances, I have
11 been before on an entry crew; I have been just rear
12 security; I have helped assist to clear locations; and I
13 have just stood there in an alleyway waiting for people to
14 hop the fence. It depended on the set of circumstances at
15 that particular moment, at that time, and someone pointing
16 to me and saying, "You're going in."
17 Q Do you happen to know if there's a Detroit Police
18 Department policy regarding when officers must have their
19 name and badge number visible?
20 A I know on uniform patrol there's a set of guidelines for
21 uniform patrol, where their badge, where their name tag
22 has to be, but that's for uniform patrol. Each unit is
23 allowed to have modified uniforms. I know tactical
24 mobile, we had our uniform patrol; we had a modified
25 uniform; we had a jumpsuit if we knew we were going to be

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1 using tear gas; and then towards the end we were in what
2 became our uniform and is still our uniform to this day
3 which is basically the BDU uniform with the name tag and a
4 badge, but it's all black.
5 Q And that's what you were wearing on March 31st, 2008?
6 A Correct.
7 Q Have you ever participated in surveillance of a blind pig
8 before a raid occurs?
9 A No.
10 Q Now, if you look on the piece of paper you're looking at
11 now, it says raid commander and deputy raid commander, and
12 it lists them as being a lieutenant and a sergeant. Would
13 those officers be lieutenants and sergeants in the vice
14 squad?
15 A Yeah, absolutely.
16 Q And is there anyone else during a blind pig raid with a
17 command level position other than the raid commander and
18 the deputy raid commander?
19 A Only if an incident happens, i.e., an incident where a
20 barricaded gunman would ensue or something, and then it
21 would switch over from the raid commander. But just for
22 the raid, the raid commander is in charge.
23 Q I have heard the term OIC. Do you know that?
24 A Officer in charge, yes.
25 Q Is that the same as the raid commander?

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12 (Pages 42 to 45)

Page 42

1 A That would be the officer in charge of the -- Yes.
 2 Q So during a blind pig raid, it's not like there is a raid
 3 commander and an OIC --
 4 A No.
 5 Q -- that are two separate people?
 6 A No. Well, I'm not saying there might not be -- There may
 7 be two different people depending on who is there, but
 8 they could be the same person, could be two different
 9 people. You can have the officer in charge of the unit,
 10 but this person here is in charge of the incident.
 11 Q Around the middle of that page you're looking at, it says
 12 "Briefing - raid security." Then it says "U/C." What is
 13 "U/C"? Do you know?
 14 A Undercover.
 15 Q As a member of the TMU, would you typically go to a
 16 briefing?
 17 A Yes.
 18 Q And what's discussed at the briefing?
 19 A The location, what's to be expected, the number of people,
 20 what our roles will be.
 21 Q Who leads the briefing?
 22 A Usually the commander of the raid.
 23 Q Does that person indicate who will be detained during the
 24 raid?
 25 A No.

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1 Q When is that decided?
 2 A Because you don't know what's going to be there.
 3 Q ~~What about charging everyone with loitering, a loitering~~
 4 ~~offense? Is that something that's discussed at the~~
 5 ~~briefing?~~
 6 A The charges that are coming out, yes, you're going to get
 7 the -- The goal is to get the operators, ticket the
 8 loiterers, get rid of the nuisance. This is the problem.
 9 They basically tell us what the problem is, and this is
 10 what we're going over there to do.
 11 Q Is there anything written that's given to you during a
 12 briefing?
 13 A No.
 14 Q Do you happen to know if there's usually anything written
 15 about the raid in advance?
 16 A No. That's not my scope.
 17 Q Okay. Have you ever heard of a raid plan?
 18 A Yes.
 19 Q What is a raid plan?
 20 A Usually, with narcotics, I have seen raid plans basically
 21 be photos of the place, sometimes aerial photos, a
 22 write-up, what the issue is. It's a packet.
 23 Q And in your experience, is there usually a raid plan
 24 before a blind pig raid?
 25 A Not my scope. I don't know if vice does that or not.

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1 Q So if there were a raid plan, you would not see it?
 2 A No, I would not see it. No.
 3 Q All right. Let me focus your attention finally on the
 4 raid of the Contemporary Art Institute of Detroit on May
 5 31st, 2008, which I'm going to refer to as the CAID raid.
 6 Do you understand?
 7 A Mm-hmm.
 8 Q So who was the raid commander during the CAID raid?
 9 A Lieutenant Yost.
 10 Q Was that also the officer in charge?
 11 A Yes.
 12 Q And who was the deputy raid commander?
 13 A I wouldn't -- I don't know. I don't remember that.
 14 Q Did you know at the time?
 15 A No.
 16 Q So what's the role of the deputy raid commander?
 17 A Basically a second set of supervision.
 18 Q Well, if you didn't know who it was, how would you know
 19 whether to take an order from someone who gives you an
 20 order during the raid?
 21 A Usually at tac mobile, we're flexible. If somebody tells
 22 us to do something, that's what our goal is. We basically
 23 do what they ask us to do.
 24 Q Because your role is to assist?
 25 A Exactly.

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1 Q Do you happen to know, in numbers one through nine that's
 2 listed there on the back of the sheet, do you happen to
 3 know who was assigned to any of those tasks?
 4 A I don't know besides Lieutenant Yost.
 5 Q Right. Is it fair to say they would have been vice squad
 6 members?
 7 A Yes.
 8 Q Is it fair to say they would have been dressed in all
 9 black?
 10 A Yeah. In their modified uniforms, yes.
 11 Q And is it fair to say they would have been the first ones
 12 in?
 13 A No.
 14 MR. ASHFORD: I'll object. What do you mean by
 15 "they"? Are you talking about raid members?
 16 BY MR. KOROBKIN:
 17 Q Yeah. I'm talking about numbers one through nine who you
 18 have said would be all vice squad members?
 19 A Yeah.
 20 Q Would they be the first ones in? Let me ask this: Were
 21 they the first ones in?
 22 A No.
 23 Q Who were the first ones into the CAID raid?
 24 A SRT.
 25 Q What were they wearing that night?

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13 (Pages 46 to 49)

Page 46

1 A All black.
2 Q Did it say "Police" anywhere on their uniform?
3 A No.
4 Q Okay. It says, under "Raid Procedures," if you go down
5 about halfway, it says "Assignments, Entry, Identification
6 of all Engagers, Seizure of persons and evidence." Do you
7 see that?
8 A Yes.
9 Q Who would be the person to identify all the engagers?
10 A The ones that were operating? That would be vice.
11 Q To your knowledge, what does an engager mean?
12 A Engager or operator -- The engager, it could be the
13 operator or the people being there. It depends on what
14 you're asking. That's kind of an open-ended word.
15 Q Okay. If there were a hundred people present, would they
16 all be considered engagers, or would some of them be
17 considered engagers and others loiterers?
18 A Engagers is one of those words that's just covering
19 everything. It could cover an operator or a loiterer or
20 someone there or the DJ playing the music.
21 Q Gotcha. It says "Seizure of persons and evidence."
22 A That's a vice -- Wait a minute. "Seizure of persons and
23 evidence"? Where? Oh, okay.
24 Q Do you see where it says that?
25 A Yes.

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1 Q Does that refer to seizure of everyone that happens to be
2 there?
3 A ~~If they're contained inside the premises, yes.~~
4 Q Go ahead. Sorry.
5 A No.
6 Q Is that what happened at the CAID raid? Sorry. That's a
7 little unclear. Strike that.
8 A Yeah.
9 Q Was everyone inside the CAID raid seized? Was everyone
10 inside the CAID seized during the raid?
11 A Yes.
12 Q Was everyone charged with loitering in a place of illegal
13 occupation?
14 A I believe some operators were charged with something
15 different, but I think the majority of the people there
16 were charged with, yes, loitering in a place of illegal
17 occupation.
18 Q Were you told before the raid that they would be charged
19 with loitering in a place of illegal occupation?
20 A If it's a blind pig, that's the status of a blind pig.
21 You're in a place of illegal occupation. It's a blind
22 pig. The loiterers and people there get ticketed. The
23 operators go to jail.
24 Q So that's the custom, and that's what happened?
25 A Yes.

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1 Q There is something down here under "Prisoner Processing."
2 A Yes.
3 Q It says, "Photo of all engagers and loiterers." Did that
4 happen that night?
5 A I do not recall it happening, no.
6 Q Do you have any idea why it wouldn't have happened?
7 A Vice, that would be vice's responsibility.
8 Q How many people were at the briefing before the raid?
9 A Can I give an estimate?
10 Q Mm-hmm. Yeah, please.
11 A Over fifty.
12 Q And they were from many different teams?
13 A Correct.
14 Q Was the warrant read during the briefing?
15 A No. I don't remember a warrant being read, no.
16 Q Did you happen to know whether there was a warrant?
17 A No.
18 Q Is there usually a warrant before a blind pig raid?
19 A No.
20 MR. ASHFORD: Maybe this would be a good time
21 for a break.
22 MR. KOROBIKIN: Let me finish up with two more
23 quick questions, and we'll take a break.
24 BY MR. KOROBIKIN:
25 Q During the briefing, did you take any written notes?

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1 A No.
2 Q Does anyone take any written notes during a briefing?
3 A ~~It would be, no, nothing more than writing down the~~
4 address of where we're going.
5 Q Okay. Did you see a map of the area or photos of the
6 building before the raid?
7 A It was -- No, but they gave us the address. We knew the
8 area. Our unit works city-wide, so we knew kind of the
9 gist of where we were going.
10 Q Great. Well, let's break so that you can go to court, and
11 for the record, we have agreed that this deposition will
12 resume when you're back. So you will call your attorney
13 when you're done?
14 A Yeah. Not a problem.
15 MR. KOROBIKIN: Thank you.
16 (Recess taken from 1:25 p.m. to 3:15 p.m.)
17 BY MR. KOROBIKIN:
18 Q We're back on the record. So, Officer Cole, let's go to
19 the raid itself.
20 A Okay.
21 Q I think we were just saying that you were not part of the
22 team that went in first; is that correct?
23 A Correct.
24 Q Can you describe what the order -- who had already gone in
25 by the time you got there?

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14 (Pages 50 to 53)

Page 50

1 A We all pulled up en masse. SRT went in. A few vice
2 members went in with them, and then we followed through,
3 because there was a lot more people than they thought, and
4 plus there was an interior and an exterior. It needed to
5 be contained. So I had made my way through the building
6 and then made my way outside.
7 Q You were one of the people outside?
8 A Yes.
9 Q How long between when the raid began and when -- How much
10 time passed between when the raid began and when you went
11 in the building?
12 A From the point of SRT entering the front door --
13 Q Correct.
14 A -- to me entering the front door?
15 Q Correct.
16 A Less than a minute.
17 Q Okay. What was your role and assignment that night?
18 A It was supposed to be a uniformed presence and basically
19 crowd control, deal with the people.
20 Q Did you go immediately to the outside area once you
21 entered the building?
22 A I went in. I remember doing a quick sweep around the
23 building. I remember there being a set of stairs. I
24 checked the stairs to see if there was any people in the
25 stairs. I came back down, and then I went outside.

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1 Q Can you describe what you remember of the situation when
2 you went inside the building?
3 A I remember walking in. As soon as you walked in, there
4 was a counter. It had a sign on it with the drink prices.
5 I remember it was just an open space. I remember joking
6 about it being an art institute, but there's no art.
7 There was nothing there, just open, and then cracked a
8 joke about how much the drinks were. Went outside, a
9 bunch of picnic tables, people outside, a bunch of people,
10 you know, seventy, eighty people.
11 Q What was the behavior of the people inside and outside?
12 A Some of the people were getting on the ground. Some of
13 the people were talking, what would be verbal defiance,
14 you know, but most people complied. Basically, that was
15 the gist of it. Once we all made it in, everybody was
16 told to get on the ground, and most were compliant.
17 Q By the time you made it into the building, were most
18 people on the ground?
19 A Yeah. There was quite a few people on the floor, yes.
20 Q And is the same true, by the time you made it outside,
21 were most people outside on the ground?
22 A Yeah. From my recollection, yes.
23 Q You said there was verbal defiance. Can you describe
24 that?
25 A I do remember somebody saying, "I know my rights. What

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1 are you, the Gestapo?" Something to that effect. But
2 like I said, just verbal defiance, just nobody that was
3 actually physically fighting, resisting, no, nothing like
4 that.
5 Q Was the person who was saying, "I know my rights. Who is
6 this, the Gestapo?" already on the ground?
7 A I just remember somebody saying it, but I don't know if he
8 -- I just remember someone saying it. I don't know if he
9 was on the ground completely or standing up saying it.
10 Q Was it a man or a woman?
11 A It was a man.
12 Q Do you recall anyone outside indicating that either they
13 were an attorney or they were related to an attorney?
14 A No.
15 Q Did you witness any physical altercation or interaction or
16 contact between any of the other police officers and the
17 patrons at the CAID?
18 A You mean like a fight?
19 Q Physical disruption or a fight.
20 A No.
21 Q Did you notice any police officer physically taking
22 someone down to the ground?
23 A No.
24 Q Did you notice any police officer shoving or pushing a
25 patron?

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1 A When we were processing people, there was people that were
2 being walked into the building, and some of them weren't
3 complying by physically walking into the building like
4 they were supposed to. Yes, some people were being guided
5 back into the building, but pushing and shoving them, no.
6 More, "Here, you need to come this way. Let's go back
7 into the building."
8 Q And that was not during the initial stage when everyone
9 was getting down on the ground?
10 A No.
11 Q That was later?
12 A That was later.
13 Q When you first made it into the building and again when
14 you first made it into the outside area, did you witness
15 anyone engaged in illegal activity?
16 A What do you mean? Did I visibly see anybody?
17 Q Did you personally, yes, see anybody engaged in illegal
18 activity?
19 A No.
20 Q You mentioned previously that the vice squad members
21 sometimes use face masks to cover their face when they --
22 A Yes.
23 Q -- are in a raid? Do you remember whether any of the vice
24 squad members in this raid were doing that, had their face
25 covered?

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15 (Pages 54 to 57)

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1 A Not particularly. I can't remember and point people out,
2 no.
3 Q Do you remember seeing Lieutenant Yost that night?
4 A Yes.
5 Q What was she wearing?
6 A I remember she was wearing regular clothes when we were
7 first briefed. Later on in the evening, yes, she did have
8 a uniform on, but when we were first briefed, she was in
9 plain clothes, regular clothes.
10 Q Did you notice her dress right after you entered the
11 building?
12 A I don't know where it was at that particular moment in
13 time, no, what she was wearing.
14 Q Do you happen to remember if she was wearing a baseball
15 cap?
16 A No. No, I don't.
17 Q No, you don't?
18 A No, I don't. I just remember she was in regular clothes,
19 and then she was in a uniform at a later point in time.
20 Q Do you know of anyone that was there that night that
21 frequently wears a baseball cap?
22 A Our uniforms are baseball caps.
23 Q A uniform cap would say something like "Police" on it; is
24 that right?
25 A Yeah. Our entire unit says "Detroit Police Tactical

1 probably would not?
2 A Well, SRT doesn't have handguns. They have rifles, so
3 their weapons are always at ready.
4 Q They have to be drawn?
5 A Yeah. There's no choice in the matter. They're there,
6 so --
7 Q But other officers --
8 A It's preference. Again, that officer at that particular
9 moment, it's his preference.
10 Q Based on what you observed that night, there was no reason
11 for you to believe that drawing a weapon was necessary?
12 A At that particular moment in time, no.
13 Q Were there other moments in time that evening that you
14 thought it would be reasonable?
15 A That evening, no.
16 Q If you know, what is the reason for SRT to have their
17 weapons drawn at all times?
18 A Because it's the rifle, it's strapped to them.
19 Q What's the reason for them to be using a rifle as opposed
20 to --
21 A Because that's their weapon of choice is a rifle.
22 Q So the SRT only uses rifles?
23 A No. Well, it's one of those things. Their weapon of
24 choice is an MP5. They also have a side arm, but for
25 every incident, unless there is something that changes

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1 Mobile Unit" on the ball cap. It's a ball cap.
2 Q So were several people that night wearing those caps?
3 A Yeah. A bunch of people were wearing baseball caps.
4 Q How were you armed that evening?
5 A We had a transition. I'm not sure. Either a Glock .22 or
6 a Smith & Wesson .40. We switched over weapons. I can't
7 remember exactly what weapon I had at that time.
8 Q You'll have to forgive my ignorance. Are those both
9 handguns?
10 A They're both handguns, yes.
11 Q Did you draw your service weapon that night?
12 A No.
13 Q Did you see any other officers with their service weapons
14 drawn that night?
15 A SRT.
16 Q To your knowledge, were they the only officers with
17 weapons drawn?
18 A That's who I recall having weapons was the SRT.
19 Q Would that be a typical scenario; only SRT has their
20 weapons drawn, and other officers don't?
21 A It's a preference. If an officer feels the need, the
22 officer draws his weapon. If the officer doesn't feel the
23 need, the officer doesn't draw his weapon.
24 Q Would it be fair to say that absent resistance, SRT would
25 still have their weapons drawn, but other officers

1 that set of circumstances, that is their standard weapon
2 is an MP5 rifle.
3 Q You have never seen a blind pig raid where SRT goes in
4 with weapons other than rifles?
5 A No, I have not, no.
6 Q Did you see anyone in SRT actually point their weapon in a
7 particular person's direction?
8 A No.
9 Q How were they holding their guns?
10 MR. ASHFORD: At what point?
11 THE WITNESS: Yeah.
12 BY MR. KOROBKIN:
13 Q Well, let's start when you go in. You go into the
14 beginning of the raid; and you see SRT has --
15 A SRT stacked up on the front door, and stacked up meaning
16 they line up on the front door, and then they make entry.
17 And they have their weapons at what's called I guess a low
18 ready. But they stack up and go through the door.
19 Q And a low ready is what?
20 A That's what it's called, low ready. They stack up on the
21 door. They're ready to go. They make entry. They have
22 their weapon in front of them ready to go and engaged,
23 need be. That's their training. That's the way they
24 work.
25 Q And when they go in, do they announce themselves?

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16 (Pages 58 to 61)

Page 58

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1 A Yes.

2 Q Did you hear, on this evening, did you hear them announce

3 themselves as police officers?

4 A Yes.

5 Q As they do that, where are their weapons at that point?

6 Are they in the air?

7 A They are coming through the front door.

8 Q Mm-hmm. But where are they holding their weapons? Are

9 they holding them down at their sides, or are they holding

10 them up?

11 A When SRT moves, their weapons are at a low ready, so their

12 weapons or here when they move (indicating). That's the

13 best way to describe it. When they move, they bring their

14 weapons up so there's no delay. If they have to engage a

15 target, if a threat comes, they are already here. It's a

16 ready.

17 Q Yeah. So the weapons are up, but they're not pointed at

18 any particular person?

19 A No. No.

20 Q By that you mean I'm correct?

21 A Yes.

22 Q I just want to make sure it's clear for the record.

23 A Yeah, they're not protected, yeah.

24 Q Did you observe any police officers shouting at anyone in

25 the CAID, anything other than "Police"?

1 dealing with that many people and there's not that many

2 officers, we basically -- it's an amount of just keeping

3 them in their place until we can deal with them, and then,

4 when we get them up, we would pat them down. If you

5 thought there was an immediate threat, you would search

6 them. But it's kind of one of those things, as long as

7 they're in their place, they're not moving, not acting

8 squirrely, we'll contend with them when we can. It's

9 just because it's a numbers game. You can't just keep on

10 contending with everybody at one time because you just

11 don't have the numbers to deal with everybody at one time.

12 Q So when you get to a particular person that you're going

13 to deal with --

14 A They get patted down, yes.

15 Q Do their pockets get emptied?

16 A They get patted down for offensive weapons.

17 Q Over the outside of their clothes?

18 A Yes.

19 Q You wouldn't reach your hand in their pocket?

20 A No.

21 Q Unless you felt something?

22 A Unless I felt something on the outside of it that I

23 thought was a weapon or something else or contraband.

24 Q How many people did you search that night?

25 A I know I searched the one guy I brought up. I don't

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Page 61

1 A "Get down on the floor. Get down on the floor. Quit

2 moving." All general. It's general purpose for

3 ~~containment and control. You tell people, "Get on the~~

4 floor. Get on the floor. Get on the floor. Get down.

5 Get down on the floor." These are general terms.

6 Q Do you remember if they happened to use any stronger

7 language like, "Get the fuck down on the floor"?

8 A It's a possibility.

9 Q So you don't specifically remember that?

10 A I don't specifically remember that, no, but it's a

11 possibility.

12 Q You have heard that before?

13 A Absolutely.

14 Q Once people were down and secure on the ground; what was

15 done to them at that point?

16 A Once the entire area was secure, they started -- they set

17 up their processing unit and started processing people,

18 taking IDs, getting names, running names, taking keys. We

19 started bringing people from the outside, bringing them up

20 to the table. I remember bringing one guy up. I brought

21 him up to the table, and they started processing him.

22 Q Were people searched?

23 A Oh, absolutely.

24 Q Was that something that happened immediately?

25 A We try to keep people's hands visible, because when you're

1 remember searching anybody else, but I may have.

2 Q Were people required to empty their pockets?

3 A I don't know.

4 Q Were they required to hand over their keys?

5 A Yes.

6 Q And identification?

7 A Yes.

8 Q Did you recover any weapons that night?

9 A No.

10 Q Did you recover any drugs that night?

11 A No.

12 Q Did anyone else there recover any weapons or drugs?

13 A I don't know.

14 Q And how long were you there in the building or outside?

15 A Hours.

16 Q Can you estimate how many hours?

17 A I know it was after two. I remember the sun coming up, so

18 we were there for a while.

19 Q Was everyone gone by the time you left? I'm sorry. Were

20 all the patrons who were there gone by the time you left?

21 A No. There were still some people outside because they

22 didn't have a ride.

23 Q But they were no longer in the building?

24 A Correct.

25 Q Between the time that you entered the building and when

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17 (Pages 62 to 65)

Page 62

1 people left -- Strike that.
 2 Tell me about the processing system.
 3 A I could tell you about my guy. I brought him from
 4 outside. I brought him in. I walked him in, brought him
 5 to the table. They asked him for his ID. They asked him
 6 how did he get there. A ticket was written out. I can't
 7 remember if I did it. I did sign it; I remember that.
 8 Once they were processed, they walked -- they had somebody
 9 take them out to their vehicle, show where the vehicle was
 10 at. And after that I was back outside doing -- back out
 11 in the rear of the building again.
 12 Q So the guy you brought in, he still had his ID and keys
 13 with him at that time?
 14 A I don't know if -- I can't recall if he did. I remember
 15 he had his ID because we wrote him a ticket.
 16 Q How were you assigned to that particular person? Just
 17 random?
 18 A He was there. "Come here. Let's walk you in."
 19 Q So basically there were a lot of cops there. Everyone
 20 sort of grabbed somebody and sort of brought them -- not
 21 physically grabbed them. Everyone was assigned to
 22 somebody and brought them in?
 23 A Kind of one of those things. They said, "Okay. We need
 24 to start processing these people from outside. Come in.
 25 Come on. Come with me." Walked them from outside while

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1 somebody stayed outside with the rest of the people that
 2 were out there.
 3 Q During the time that that processing was going on, would
 4 it be fair to say that the people -- the patrons who were
 5 there were not free to leave?
 6 A The ones that were already processed or the ones that were
 7 still in there?
 8 Q The ones that were still in there.
 9 A No, they weren't free to leave, no.
 10 Q Were any of them placed in handcuffs?
 11 A Yes.
 12 Q Why?
 13 A I don't know.
 14 Q About how many did you see in handcuffs?
 15 A I remember at least one.
 16 Q That was not the guy that you brought in, though?
 17 A No.
 18 Q And you don't know why that person was in handcuffs?
 19 A No.
 20 Q Was he or she separated from the group?
 21 A He was leaning on the wall with handcuffs.
 22 Q Do you know who handcuffed him?
 23 A No.
 24 Q Was he being guarded by another officer?
 25 A He was just leaning against the wall in handcuffs.

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1 Q You have already said they weren't free to leave. Were
 2 they free to move about the facility in any way?
 3 A Once again, like I said before, because we didn't pat them
 4 down immediately, all of them, it was better just to keep
 5 them in place; and once they were kept in place, we could
 6 get them up and search them, because we couldn't deal with
 7 all the people that we had with the number of officers
 8 that we had. So, no, they weren't free to move around
 9 because we had to keep them in place because, as a threat,
 10 until the threat is contended with, okay, they don't have
 11 any weapons or anything, all right, we'll move them on to
 12 the next place.
 13 Q How long did it take to pat everyone down?
 14 A Hours.
 15 Q Would you pat someone down and then process them, or was
 16 the first order of business to pat everyone down?
 17 A The people that we contended with outside, we kept them in
 18 place. Besides them being on the ground, they were patted
 19 down as they were brought in. They were kept in place
 20 until they were brought in, so whatever time that took.
 21 Q Okay. The gentleman you said you saw in handcuffs, can
 22 you describe him?
 23 A No. I just remember a guy in handcuffs over by the wall.
 24 Q White or black? Don't remember?
 25 A I don't remember.

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1 MR. KOROBKIN: I'm going to ask the court
 2 reporter to mark this as Exhibit 4.
 3 (WHEREUPON, Deposition Exhibit 4
 4 was marked for identification.)
 5 BY MR. KOROBKIN:
 6 Q I'm handing you the same thing you already have which is
 7 an activity log.
 8 A Okay.
 9 Q Just for the record, can you identify this document?
 10 A It's the run sheet for the car I was working on, and it
 11 was written by Officer Laws. I can tell by the
 12 handwriting.
 13 Q What's Officer Laws' first name?
 14 A Melinda.
 15 Q And the first person listed?
 16 A Craig Pomaville.
 17 Q Were all three of them at the raid?
 18 A We were all in the car together, yes.
 19 Q Were you all in the CAID building or outside the building?
 20 A I can't recall where they were at the entire time, no.
 21 Q Did they go with you to the raid?
 22 A Oh, yeah, they were there.
 23 Q If you look in the middle, it says "Recap of Activity,"
 24 and there are a lot of check boxes.
 25 A Right here?

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18 (Pages 66 to 69)

Page 66

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1 Q Right below where it says "B. Cole."
 2 A Okay. Right here. Okay.
 3 Q Yeah. What is that area?
 4 A It's a recap of when we were going from our runs. This is
 5 the sheet that's universal now. It's even for
 6 supervision. So there's some things on here that a police
 7 officer would never fill out, but there's some things on
 8 here that a supervisor would fill out or vice versa, a
 9 supervisor would never fill out and a police officer would
 10 out, and it's kind of like a running tally of things you
 11 did that day.
 12 Q Would it include activity at a raid?
 13 A These would include whatever was -- yeah, the activities
 14 at a raid if the documentation was going back to our unit.
 15 Like if you wrote tickets at a raid but they are going
 16 back to vice and being processed by vice, our unit would
 17 never see the ticket, so they would not necessarily end up
 18 on this.
 19 Q So that's why ordinance complaints doesn't have anything?
 20 A Correct.
 21 Q And number of frisks and autos impounded?
 22 A Correct.
 23 Q That information would be recorded elsewhere?
 24 A It would be vice's tallies, their stats. Because it's a
 25 vice operation, it would be their stats.

1 log, it is also a summary. If we were to write down every
 2 moment or every second of our day, it would be thousands
 3 upon thousands of pages long, so it being a summary of the
 4 activities to refresh our recollection and basically to
 5 keep track of where we were at at that particular moment
 6 in time.
 7 Q Is there anything else you wrote down about the raid that
 8 night other than what's written here which was not written
 9 by you?
 10 A No.
 11 Q And is that the standard practice at a blind pig raid, to
 12 simply rely on the activity log to refresh your
 13 recollection?
 14 A It depends on the incident. It depends on the
 15 circumstances. If I had a felony arrest because I found a
 16 weapon, there would be a PCR along with that felony
 17 arrest, and that would be documented on the run sheet.
 18 Standard practices -- there are no standard practices.
 19 Everything changes. Everything is dynamic. You don't
 20 know what situation you're getting into until you're in
 21 it.
 22 Like I said, some of these, I have had weapons
 23 and dope and had to fight with people. Other ones we walk
 24 in, it's, you know, nothing, absolutely nothing.
 25 Q How many times have you written a ticket for loitering in

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1 Q Gotcha.
 2 On the other side of the log, I'm looking at the
 3 entry for 12:45 a.m. to 5:15 a.m., and then the next two
 4 boxes over, it says 270 over 495?
 5 A Correct.
 6 Q What does that mean?
 7 A The bottom number is a total amount of minutes spent on
 8 the miscellaneous activities during the day. The top
 9 number would be specifically to the run that we were on
 10 for that entry. So for the total for that day, we were on
 11 495 minutes of miscellaneous activities, but only 270 of
 12 it is for the vice raid for the run sheet.
 13 Q Thank you. And MA means miscellaneous activity?
 14 A Correct.
 15 Q Now, there's a narrative description of the raid that
 16 begins with "Trumbull base" and ends with "control of
 17 scene"?
 18 A Yes.
 19 Q Is that basically all you have written down about your
 20 specific activity at the raid that night?
 21 A Like I said, this was the run sheet that was written by
 22 Officer Laws, and she has me put on her car, and I'm the
 23 third man on the crew. Made location, stood by at Rosa
 24 Parks and Bryant while entry was completed, then helped
 25 inside with control of the scene. This being an activity

1 a place of illegal occupation?
 2 A At least one for every raid, so at least a hundred.
 3 Q Okay. But you don't, as a normal practice, do any
 4 reporting on that for your own records?
 5 A No. Most of the time you can refresh your recollection
 6 from the ticket. You already know. A lot of these
 7 situations, you remember, you know, the location, the
 8 place, the gist of the situation to testify in court.
 9 Q This raid at the CAID, did you have any reason to believe
 10 that it would be unusually dangerous in any way?
 11 A It's just like every other vice raid. They tell us what
 12 -- we didn't even know where we were going until they
 13 briefed us. Okay? We've got an illegal blind pig. We're
 14 going to go make it. This is the situation. There's
 15 probably going to be a lot of people there. And take your
 16 general practices and cautions and concerns because you
 17 don't know what's going to happen.
 18 Q Would you describe this raid as a typical raid?
 19 A Like I said, every situation is different.
 20 Q Let me ask you about who else -- what other units were
 21 participating in this raid besides tactical mobile?
 22 A Vice and SRT.
 23 Q Do you recall whether narcotics was there?
 24 A Not particularly, no.
 25 Q Okay. I'll ask the court reporter to mark Exhibit 5.

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19 (Pages 70 to 73)

Page 70

1 (WHEREUPON, Deposition Exhibit 5
2 was marked for identification.)
3 BY MR. KOROBKIN:
4 Q Officer Cole, do you recognize this document that I'm just
5 handing you now?
6 A Yes. The same one you handed me earlier. It's the report
7 from vice written by Sergeant Buglo that basically
8 documents all the people that were at the location and
9 what was done with them.
10 Q Is it what's commonly referred to as a CRISNET report?
11 A Yes.
12 Q And this report number is .1; is that right?
13 A Correct.
14 Q The defendants are listed in numerical order, and if you
15 would take a look at 57, does line 57 indicate that you
16 issued a ticket for loitering in a place of illegal
17 occupation to Joshua Wilson?
18 A Yep.
19 Q Okay. So what did you observe him doing, if anything,
20 that authorized you to ticket him?
21 A He was at the location that we were informed by Lieutenant
22 Yost was a blind pig; that they were selling alcohol
23 without a license after hours and --
24 Q By "they" --
25 A "They" being "they," and in his presence being there was

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1 him loitering in a place of illegal occupation because the
2 place was illegal.
3 Q But you're not saying Mr. Wilson was selling alcohol?
4 A No.
5 Q Right? You're saying he was in a place where it was being
6 sold?
7 A Correct.
8 Q Defendant 60, that would be your ticket as well, right?
9 A Yeah. Yep.
10 Q Okay. And the same is true; you didn't observe him doing
11 anything other than being present in the location?
12 A Correct.
13 Q Number 70, is that true of number 70 as well?
14 A Yes.
15 Q And you issued that ticket, right?
16 A Correct.
17 Q And number 95, is that also true for number 95?
18 A Yes.
19 Q So you issued the ticket to Thomas Mahler for loitering in
20 a place of illegal occupation on line 95?
21 A Yes.
22 Q And you did not observe him doing anything other than
23 being present?
24 A He was present there, correct.
25 MR. KOROBKIN: Let me ask the court reporter to

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1 marked Exhibit 6.
2 (WHEREUPON, Deposition Exhibit 6
3 was marked for identification.)
4 BY MR. KOROBKIN:
5 Q This is one of the gentlemen that we just discussed on the
6 CRISNET report, correct?
7 A Correct.
8 Q Can you identify this exhibit?
9 A It is a ticket for Mr. Mahler, ticket number 42364008.
10 Q Is this your signature?
11 A Yes, that is my signature.
12 Q As you sit here today, do you remember either Mr. Mahler
13 or issuing this ticket?
14 A The only one -- I would have to sit, and I would have to
15 look at a photo, because I remember the one guy I brought
16 in from outside that I talked to. Beyond that, I dealt
17 with a few people that night so --
18 Q So as you sit here today, you can't actually recollect --
19 A No.
20 Q -- this person? Were photos taken that night?
21 A No.
22 Q Is one of the purposes of taking photos to refresh the
23 recollection of officers such as yourself --
24 A Right.
25 Q -- who process many people?

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1 A Correct. And it has been three years.
2 Q When you wrote this ticket, did you give a copy to Mr.
3 Mahler?
4 A Yes.
5 Q That's standard procedure, right?
6 A Yes.
7 Q Are there other copies of the ticket that go somewhere
8 else?
9 A All of that stuff went back with vice. The tickets
10 belonged to the vice unit.
11 Q Do you happen to know what happens to the other copies of
12 the ticket that go back to vice?
13 A They process them. They eventually end up at the court.
14 Q Do you know what the process is by which they end up at
15 the court?
16 A I don't know vice's process. I can tell you our process,
17 the processes I have been in.
18 Q Okay. Well, with the understanding that this is not the
19 process that you went through in this particular case,
20 yes, please, for my edification, how does the ticket get
21 from you to the court?
22 A At the end of the night, the tickets are turned in. A
23 ticket recapitulation sheet is printed up. Basically,
24 someone goes through and takes all of the tickets, writes
25 down all the numbers, and types it up on the sheet. It's

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20 (Pages 74 to 77)

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1 signed by the supervisor on the desk. After that, it's
 2 put in the court officer's slot. The court officer takes
 3 it down, all the tickets down to 36th District Court.
 4 36th District Court turns them over to the clerk who types
 5 up every single ticket and puts it into the system.
 6 Q Do you happen to know if the prosecutor reviews the ticket
 7 before a notice to appear is issued to the defendant?
 8 A No.
 9 Q No, you don't know, or, no, they don't?
 10 A No, they don't.
 11 Q They don't. Okay.
 12 When you issue a ticket, is it your practice to
 13 keep a copy of the ticket for yourself or within your
 14 squad, within your unit?
 15 A On misdemeanor tickets, no, because on a civil ticket,
 16 there's multiple copies. On this one, there isn't. You
 17 don't have the multiple copies. The first copy has to go
 18 back to the court. The second copy on the back of the
 19 copy goes to ident. The one in between, which is a paper
 20 copy, goes to the defendant.
 21 Q What's ident?
 22 A Records, record keeping, records and stats.
 23 Q That's a department or division within the police
 24 department?
 25 A Correct.

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1 Q As far as you know, did they get a copy of every single
 2 misdemeanor ticket that's issued?
 3 A They get a copy of every ticket that's issued by the
 4 department.
 5 Q Do you have any idea how long they keep those copies?
 6 A No.
 7 Q If there had been a criminal trial on Mr. Mahler's
 8 ordinance charge, would you be the officer to testify as
 9 to his --
 10 A Being at the -- Yes.
 11 Q And all you would really testify is that you went into the
 12 CAID, and he was one of the people who was there?
 13 A Correct.
 14 Q He didn't tell you anything? --
 15 A No.
 16 Q Make any statements?
 17 A No.
 18 Q Anything of that sort?
 19 A No.
 20 MR. KOROBKIN: I'll ask the court reporter to
 21 mark Exhibit No. 7.
 22 (WHEREUPON, Deposition Exhibit 7
 23 was marked for identification.)
 24 BY MR. KOROBKIN:
 25 Q Officer Cole, can you identify this document?

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1 A It appears to be a report for towed vehicles from the
 2 scene, also done by Sergeant Bugio.
 3 Q This is the follow-up report; is that correct?
 4 A Correct.
 5 Q And the subject line is "Impound Vehicles"?
 6 A Correct.
 7 Q Did you impound any vehicles that night?
 8 A Not that I remember.
 9 Q So looking at line 58, which is on page 2 of the
 10 document --
 11 A Okay.
 12 Q -- your name is on that line, is it not?
 13 A Correct.
 14 Q What does that mean?
 15 A All it is is the same thing that was written in the other
 16 report, that I issued him an ordinance.
 17 Q So it doesn't mean that you impounded his vehicle?
 18 A No.
 19 Q But it does mean his vehicle was impounded?
 20 A Yes.
 21 Q Is there any record made of who impounded that vehicle?
 22 A I don't know.
 23 Q Is there generally a record made at blind pig raids of
 24 which officer impounds the vehicle?
 25 A There's a tow card.

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1 Q What is a tow card?
 2 A A card when -- any time a car is towed, it's filled out.
 3 Q Is a copy given to the person who the car is taken from?
 4 A No. A copy is given to the tow truck driver, and a copy
 5 goes to the unit.
 6 Q In this case, it would be the vice squad unit?
 7 A Correct.
 8 Q But based on your recollection, you didn't actually fill
 9 out any tow cards that night?
 10 A No, I didn't.
 11 Q And you did not authorize any vehicles to be taken away?
 12 A No.
 13 Q So let me, just to complete the record, line 64, Thomas
 14 -- Mahler, your name is there, and you're saying your name is
 15 there just because you wrote him the ticket?
 16 A That's what it says, yeah.
 17 Q Did you know that he had a car?
 18 A I don't recall.
 19 Q If his car was towed, it wasn't --
 20 A It was after he was at the processing table.
 21 Q At which point you had left?
 22 A Correct.
 23 Q To go get someone else?
 24 A Or to go do security.
 25 Q Thank you. Did you watch other officers impound anyone's

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21 (Pages 78 to 81)

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1 vehicle that night?

2 A A whole bunch of cars were impounded that night.

3 Q And on what basis were those vehicles impounded?

4 A Nuisance abatement.

5 Q And was that simply because the vehicles were there at the

6 scene?

7 A Because the people had driven the vehicles there.

8 Q Not based on evidence that the vehicles were transporting

9 alcohol or used in any other illegal way?

10 A They were -- No.

11 Q So if you go to a nuisance and you bring a car there,

12 you're subject to your car being towed?

13 A Yes.

14 MR. KOROBKIN: Moving along, I'll ask the

15 reporter to mark Exhibit 8.

16 (WHEREUPON, Deposition Exhibit 8

17 was marked for identification.)

18 BY MR. KOROBKIN:

19 Q Can you identify this document?

20 A Yeah. It's a nuisance abatement impoundment form.

21 Q Have you ever issued one of these?

22 A Yes.

23 Q Did you issue any on the night of the CAJD raid?

24 A No.

25 Q Now, if you look somewhat in the middle of the page and to

1 A Yes.

2 Q So did Mr. Passmore then ask Mr. Mahler, "Did you drive

3 here?"

4 A I didn't get -- wasn't there that long.

5 Q By that time you were gone?

6 A Yes.

7 Q Is it your practice to sign one of these forms when you

8 hand them out?

9 A Yes.

10 Q Okay. Any idea why this one isn't signed?

11 A No clue.

12 Q Who was doing most of the impounding of vehicles that

13 night, if you know?

14 A I don't know.

15 Q Was anyone outside of the vice squad authorizing the

16 impoundment of vehicles?

17 A Authorizing or doing? What do you mean by that question?

18 Q Well, in this form, it says "Confiscating Officer: Jimmy

19 Passmore." Does that mean that Officer Passmore impounded

20 the vehicle?

21 A I would say so, if he's the one that signed off on the

22 forfeiture form.

23 Q What does that entail? Simply filling out a card and

24 giving it to the tow operator?

25 A Pretty much, yes.

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1 the right, there's the name Thomas Mahler. Do you see

2 that?

3 A Yes.

4 Q Do you recognize that individual as being one of the

5 people you ticketed that night?

6 A Yes.

7 Q Now, this form indicates that his car was impounded; is

8 that correct?

9 A His car, yeah, was impounded. This was his notice. This

10 is what was given to him.

11 Q To him?

12 A Correct.

13 Q This is different from the impoundment card --

14 A. Correct.

15 Q -- which would not have been given to him?

16 A No.

17 Q In the top box, there's a line that says "Confiscating

18 Officer: Jimmy Passmore"?

19 A Okay.

20 Q Do you know Officer Passmore?

21 A He works at vice.

22 Q He was present that night?

23 A Yes.

24 Q When you brought Mr. Mahler to the processing table, was

25 Mr. Passmore at one of the tables?

1 Q And when you fill out one of those cards, you put your

2 name as the officer who is doing the impoundment?

3 A Yes.

4 Q Do you know whether officers outside the vice squad were

5 filling out those cards that night?

6 A I don't know.

7 Q Don't know. Okay.

8 What happens to these notices? Are there

9 several copies of these notices made?

10 A One is given to the person. One usually goes with the car

11 if it's on evidence. One goes to forfeiture.

12 Q Forfeiture unit of the Detroit Police Department?

13 A Correct.

14 Q What happens after they get to forfeiture?

15 A I don't know.

16 Q Does an officer keep a copy of the nuisance abatement

17 form?

18 A I don't know.

19 Q Well, when you have filled them out in the past, have you

20 kept a copy, or have you kept a copy within the unit?

21 A No.

22 Q Is it a triplicate?

23 A You have to fill it out. No. You fill out each form

24 triplicate. All you have is this blank form or if you

25 print it up on a computer.

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22 (Pages 82 to 85)

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1 Q So you have to individually make three?
 2 A Unless you print it up on the computer, and then you just
 3 print three copies out.
 4 Q Which is different from the ticket?
 5 A Correct.
 6 Q Which actually is a triplicate?
 7 A Which has a carbon copy, correct.
 8 Q If I have asked you this, I apologize, but how many
 9 officers were at the CAID raid that night?
 10 A Over fifty.
 11 Q And just to be precise, do you mean about fifty?
 12 A No. Over fifty.
 13 Q Fewer than a hundred?
 14 A Yes, I would say.
 15 Q Can you narrow it down even more?
 16 A No.
 17 Q Between fifty and a hundred?
 18 A Correct.
 19 Q Do you know how many vehicles were seized?
 20 A A lot.
 21 Q Would forty to fifty sound like the correct range?
 22 A Or more.
 23 Q Do you know what a person has to do to get their car back
 24 after it's been seized in a blind pig raid?
 25 A Deal with forfeiture.

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1 Q And what do they have to do with forfeiture?
 2 A We hand them a form, and you have to call -- they have to
 3 call forfeiture. That's my extent of what they have to do
 4 to get it back.
 5 Q So you don't know, once they call forfeiture, what the
 6 process is?
 7 A No.
 8 Q Do you know if they usually have to pay to get it back?
 9 A I don't know.
 10 Q You don't know. Would you agree that at this night that
 11 you were doing this, at the night of the raid, it was the
 12 standard operating procedure of the City of Detroit Police
 13 Department, when raiding a blind pig, to ticket everyone
 14 there for loitering in a place of illegal occupation and
 15 to confiscate the cars that they drove there?
 16 A If that's what we do when we get the complaint for the
 17 blind pig and we hit it is to write tickets and tow cars
 18 and people go to jail? Yes.
 19 Q That's the standard?
 20 A That's the standard.
 21 Q You don't ask people, "Did you know this was a blind pig"?
 22 A Lack of knowledge of the law is not a defense.
 23 Q So the answer is, just to be clear, the answer is, no, you
 24 don't ask them that?
 25 A No.

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1 Q So if they didn't, in fact, know that it was a blind pig,
 2 they would still be guilty of loitering in a place of
 3 illegal occupation?
 4 A Yes.
 5 Q And they would still be guilty of contributing to a
 6 nuisance with their car?
 7 A Yes.
 8 Q Do you know, is the car the nuisance?
 9 A The car is part of the nuisance.
 10 Q The car is part of the nuisance?
 11 A Because you have an area that's in a residential zone, and
 12 you have a hundred and fifty cars, two hundred cars, five
 13 hundred cars parked out in the middle of the street where
 14 you wouldn't normally have that amount of traffic or
 15 people. It's still -- this is in an area that's
 16 residential. You condense an extra hundred cars into a
 17 one-block area because everybody wants to walk to get in,
 18 and they don't want to walk block upon block to get in
 19 there, so they are parking on the curb, parking on the
 20 sidewalks, parking in the street, parking all over the
 21 place, it becomes part of the nuisance. The more people
 22 you have, the more even bigger of a nuisance. We had a
 23 raid that was -- that I can remember that was -- there was
 24 five hundred cars all over. It becomes part of the
 25 nuisance.

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1 Q If someone owns a car but they didn't drive it to the
 2 raid, it's not part of the nuisance, is that right?
 3 A If they own it but don't drive it? No. Because it had to
 4 get there somehow.
 5 Q No. But if it's not there.
 6 A If it's not there?
 7 Q Yeah.
 8 A What do you mean? If somebody got dropped off, and they
 9 own a car in the driveway of their own home?
 10 Q Yes.
 11 A No, that's not part of the nuisance.
 12 Q So you couldn't take it?
 13 A If they got dropped off there, and they have a car parked
 14 -- so if I -- No.
 15 Q How close or how far would it have to be to or from the
 16 raid location in order for it to be part of the nuisance?
 17 A If you had somebody that lived around the corner, I
 18 wouldn't suspect -- and their car was parked in their
 19 driveway, I wouldn't suspect that we would tow that car.
 20 I didn't tow that car. I wouldn't tow that car. But if
 21 he's there, and his car is parked within the vicinity
 22 along with all the other vehicles, I would consider that
 23 contributing to the nuisance.
 24 Q I guess I'm trying to get a sense of how far it would have
 25 to be.

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23 (Pages 86 to 89)

Page 86

1 A Oh, you're talking like miles? No, we're not going to go
2 miles for this thing. If somebody got dropped off and
3 their car is parked in a parking structure at Wayne State,
4 we're not going after that, no. This is within the
5 vicinity of the area that we're there for.
6 Q It's the car's physical presence there as opposed to the
7 fact that it transported the person there?
8 A It's both.
9 Q That makes it subject to being impounded?
10 A It's both. The fact that it's there and it's causing part
11 of the nuisance and the fact that they used it to
12 transport themselves there.
13 Q Let me ask you this: If they got dropped off there --
14 A Right.
15 Q -- but then the person who dropped them off drove away --
16 A Okay.
17 Q -- that car would not be subject to --
18 A No.
19 Q -- impoundment; is that correct?
20 A Not to my knowledge, no.
21 Q Okay. Because you're not part of the vice squad, you
22 don't keep a tally of how many cars you impound at a raid;
23 is that correct?
24 A No.
25 Q You mentioned that Lieutenant Yost was the commander of

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1 Q And tell me if you can identify the document that begins
2 on the second page?
3 A It appears to be a second vice raid off of 45 Grand River.
4 I remember the address. I may have even participated in
5 this one. Back from February 23rd, 2008.
6 Q And this is a crime report, correct?
7 A Yes. Yeah.
8 Q If you look at the report narrative which begins somewhere
9 in the middle of the page, it indicates that vice, SRT,
10 tactical mobile, and Central District executed a search
11 warrant?
12 A Yes.
13 Q Do you remember this raid on what was known as The
14 Apartment?
15 A Absolutely.
16 Q Can you tell me why you remember it?
17 A It's right around the corner from here. There was some
18 complaints over several weekends. In fact, it had been
19 shut down once previously. They had underage girls
20 stripping, selling alcohol, all types of problems,
21 shootings right outside of it. Yeah, this was a real
22 problem issue. Like I said, it's right around the corner.
23 It was Downtown Detroit. All the patrons from the clubs,
24 after they would -- after the clubs would shut down, they
25 would be up and running and, yeah, just a bad group of

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1 the raid. Was she also the officer in charge of
2 impounding vehicles?
3 A In essence, yes, because she's in charge of everything, so
4 yes.
5 Q So if a question came up about the propriety of towing a
6 specific vehicle, that question would be resolved
7 ultimately on the scene by Lieutenant Yost?
8 A Yes, that would be Lieutenant Yost that would handle that.
9 Q Do you recall whether any questions came up about any
10 particular vehicle?
11 A No.
12 Q You don't recall, or it didn't come up?
13 A I don't remember, no. I don't recall or remember.
14 MR. KOROBKIN: Okay, Jerry, can we take ninety
15 seconds? We'll be right back.
16 THE WITNESS: No problem.
17 (Recess taken from 4:07 p.m. to 4:10 p.m.)
18 (WHEREUPON, Deposition Exhibit 9
19 was marked for identification.)
20 BY MR. KOROBKIN:
21 Q We're back on the record. I'm handing you an exhibit
22 marked Exhibit 9, and the first page is Return to Search
23 Warrant, but I would actually like you to turn to the
24 second page.
25 A Okay.

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1 guys.
2 Q What you just described is the complaints that you had
3 received; is that correct?
4 A That's what I remember. No. You asked me what I remember
5 about this place. That was the whole gist of it, but we
6 dealt with them several times before because the mobile
7 works the weekends down working in the club areas, and
8 there was always an issue with these people.
9 Q This is a vice raid, correct?
10 A It was a vice raid.
11 Q Would you call it a blind pig raid?
12 A I would say it would be a combination of both. It was
13 just a matter of --
14 Q A combination of both what?
15 A As a search warrant and a blind pig raid. Yeah.
16 Q When you entered the facility, what did you see?
17 A This was on like the third or the fourth floor. We had to
18 walk up the stairs to get into this place. They had
19 stripper poles, like mobile stages, booze, drugs, a bunch
20 of people, some girls half dressed. People jumped out of
21 the windows and up onto the rooftop. Yeah. It was -- we
22 were there all -- that was another one we were there all
23 night.
24 Q On line 31, which is on page 2, is it correct that you
25 issued a ticket for loitering in a place of illegal

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24 (Pages 90 to 93)

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1 occupation to Romell Deshawn White?

2 A Yes.

3 Q And he was issued that ticket because he was present,

4 correct?

5 A Correct. It was like 3:00 in the morning when we ended up

6 going in, so, yeah, he was way -- even if it was a legal

7 establishment, bar time is 2:00 here. Ignorance of the

8 law is no excuse. But you being there after 3:00, that

9 was the reason why he got a ticket.

10 Q And there's no other reason that you know of for him

11 having received this ticket; is that correct?

12 A No.

13 Q Now, if you look at -- I'm sorry -- line 101, which is on

14 page 6, the defendant's name is Zues Patterson.

15 A Okay.

16 Q You were not involved in that, but it does say "engage in

17 a place of illegal occupation"?

18 A Correct.

19 Q Do you know what the difference between engage and loiter

20 is?

21 A He's one of the ones running it. He's either the bouncer,

22 the DJ, collecting the money, the one bringing the girls

23 in, something. He has more to do than just being there.

24 Q Did you seize any vehicles that night?

25 A I didn't seize any vehicles, no.

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1 Q Do you know if vehicles were seized during that raid?

2 A I'm not sure if they were or not.

3 Q Can you think of any reason why they wouldn't be seized at

4 that raid, but they would be seized at the CAID?

5 A Possibility that they were in a -- because there's parking

6 structures down here. There's places for them to be other

7 than right out in front of the location. They may have

8 been in an adjoining lot or in one of the structures all

9 the way around here that are open. You can park, and we

10 wouldn't have access to it. It wouldn't have been like

11 they were blocking the street or anything like that.

12 Q When you got to the CAID for the raid at the CAID on May

13 31st, did you have an opportunity to see where cars were

14 parked outside the building?

15 A I remember a lot of cars being there.

16 Q Were some cars parked in a legal parking spot on the

17 street?

18 A Possibly.

19 Q Were some cars parked in an empty parking lot?

20 A Possibly.

21 Q If those cars belonged to someone who was ticketed for

22 loitering in a place of illegal occupation, those cars

23 were impounded?

24 A I would say so, yes.

25 Q It was essentially they went together, loiter in a place

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1 of illegal occupation/impound your vehicle?

2 MR. ASHFORD: Objection to the form. Go ahead.

3 THE WITNESS: Within guidelines, within the

4 area, but we already went through this. If he parked at

5 his house at home, and he lives in Roseville, we're not

6 driving all the way out to Roseville to get it. It's

7 within the cusp of the area. And those set guidelines,

8 that was up to Lieutenant Yost, but within a block, within

9 half a block, parked out front, yeah. If you're talking

10 miles, no.

11 BY MR. KOROBIKIN:

12 Q If you located a car that was parked right outside the

13 CAID and it didn't belong to anybody who was inside, would

14 you take that car, too?

15 A No.

16 Q And if you know, why not?

17 A Because there wasn't a body to go with the car, and it

18 could have been there way before the incident even

19 started.

20 Q You'll be happy to know this is the last Exhibit I could

21 possibly give you because I'm out of exhibits.

22 A That's good to know.

23 MR. KOROBIKIN: Can I have the court reporter

24 mark this as Exhibit 10?

25 (WHEREUPON, Deposition Exhibit 10

Page 93

1 was marked for identification.)

2 BY MR. KOROBIKIN:

3 Q I'm handing you what has been marked as Exhibit 10, and,

4 again, I'd like you to turn to the second page of the

5 exhibit which is marked page 1, and tell me if you can

6 identify it.

7 A Yet another vice raid. 0710200106 at the Spoon Room, and

8 I think I was at this one, too.

9 Q Do you remember the Spoon Room?

10 A I remember the name. Yes, I was here.

11 Q Does looking at this document help refresh your

12 recollection about what was going on that night?

13 A I remember the Spoon Room. I remember it was on Schaefer.

14 I think this was another one where complaints of all hours

15 of the night, narcotic activity issues. You're pushing my

16 brain to go back four years, but I remember being here. I

17 can vaguely tell you something about it.

18 Q Okay. These lines aren't numbered, but if you look at

19 page 2, defendants 7 and 8 down on the bottom, do you see

20 your name associated with those tickets?

21 A Yep.

22 Q So did you issue a ticket to LaToyia Monet Murray for

23 loiter in a place of illegal occupation?

24 A Yes.

25 Q And that was because she was present, correct?

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25 (Pages 94 to 97)

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1 A Correct.
 2 Q And no other reason that you know of?
 3 A No. Because she was there.
 4 Q The same with Timothy Cornelius Stoutermire?
 5 A Correct.
 6 Q Do you know if vehicles were impounded?
 7 A I think, yes. This one, yes, because this was another one
 8 that was in a neighborhood.
 9 Q And I ask you to keep flipping the pages until you get to
 10 something that's also marked page 1, but it's report .3.
 11 A Right. Yep. There's a list of vehicles, of weapons that
 12 were seized, alcohol, marijuana.
 13 Q All of those vehicles belonged to somebody who was
 14 ticketed for loitering in a place of illegal occupation?
 15 A I would have to go back and forth, but -- or they were the
 16 engagers -- not the engagers, the people running it.
 17 Q At the CAID raid, sorry to go back, but at the CAID raid,
 18 May 31st, what was the illegal occupation?
 19 A The fact that they were selling alcohol, and they didn't
 20 have a liquor license, and they sold it to two of our UCs,
 21 undercover.
 22 Q And you said they had no liquor license?
 23 A No liquor license. This is what I was informed of. They
 24 had no liquor license, and they were even way past over
 25 the time, and we were going in there and enforce the law.

1 Q I mean, theoretically, if you were in Applebee's and their
 2 liquor license had expired --
 3 A Theoretically, if you were in Ford Field, and their
 4 license expired with Lions fans and the City of Detroit
 5 decided to shut it down, every single one of them would
 6 have gotten a ticket.
 7 Q And the ticket inexorably automatically leads to a notice
 8 to appear in court?
 9 A The court sets the date, yes.
 10 Q And then, once you're in court, you can present
 11 whatever --
 12 A -- defense, exactly. And that's up to the trier of truth
 13 and the judge to dismiss it or hear it. I have had cases
 14 dismissed from telling you exactly what I told you. I
 15 have had judges find the person guilty for telling you
 16 exactly what I told you. It's up to the judge that goes
 17 in front of -- which person he goes in front of.
 18 Q But if the person gets the ticket, they do have to go to
 19 court?
 20 A Yes, because it's a misdemeanor. They can't pay it off.
 21 They have to have a court date.
 22 MR. KOROBKIN: Great. Thank you, Officer Cole.
 23 Jerry?
 24 MR. ASHFORD: I have no questions.
 25 (Deposition concluded at 4:30 p.m.)

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1 Q At the CAID raid, do you know if there was anyone present
 2 at the CAID who was not charged with a criminal offense?
 3 A I don't know.
 4 Q Is it your understanding that everyone there was?
 5 A It's my understanding that everybody was or wasn't -- I
 6 don't know. If there was people that they let go, I don't
 7 know. If there was people that were out front that they
 8 didn't ticket, I don't know. I have no clue.
 9 MR. KOROBKIN: One minute.
 10 (Recess taken from 4:22 p.m. to 4:24 p.m.)
 11 BY MR. KOROBKIN:
 12 Q Who informed you that the CAID had no liquor license?
 13 A Lieutenant Yost.
 14 Q At the briefing?
 15 A Correct.
 16 Q How would the department normally go about finding that
 17 out, that a facility had no liquor license?
 18 A Well, Lieutenant Yost works with the Liquor Control
 19 Commission, so she worked hand in hand with them, so she
 20 knew what establishments in the City of Detroit had
 21 licenses and which ones didn't.
 22 Q If a person went to the CAID honestly thinking that the
 23 CAID had a liquor license, would that person be guilty of
 24 loitering in a place of illegal occupation?
 25 A Once again, ignorance of the law is not an excuse.

1 ---
 2
 3 STATE OF MICHIGAN
 4) ss.
 5 COUNTY OF OAKLAND)
 6 I, Denise Moorfoot, a Notary Public in and for
 7 the above county and state, do hereby certify that the
 8 witness, whose attached deposition was taken before me in
 9 the entitled cause on the date and the time and place
 10 hereinbefore set forth, was by me first duly sworn to
 11 testify to the truth, the whole truth and nothing but the
 12 truth; that the testimony contained in said deposition was
 13 by me reduced to writing in the presence of said witness
 14 by means of stenography; that said testimony was
 15 thereafter reduced to written form by mechanical means;
 16 and that the deposition is, to the best of my knowledge
 17 and belief, a true and correct transcript of my
 18 stenographic notes so taken.
 19 I further certify that I am not of counsel to
 20 either party nor interested in the event of this case.
 21 *Denise Moorfoot*
 22 Denise Moorfoot
 23 Notary Public, Oakland County
 24 Acting in the County of Wayne
 25 My commission expires: 10-30-11

EXHIBIT 21

DETROIT POLICE DEPARTMENT FOLLOW-UP REPORT

DETROIT POLICE DEPARTMENT

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Subject: IMPOUND VEHICLES

Case Report Status A - APPROVED
County 82 - WAYNE
City/Township 99 - DETROIT

Date Entered 6/2/2008 8:52:21 PM
Entered By 230853 - SMITH, RAYMOND
Date Verified 6/2/2008 8:56:22 PM
Verified By 231996 - BUGLO, DANIEL
Date Approved 7/2/2008 6:14:12 AM
Approved By 210608 - JONES, DAVID

Reporting Officer
231996 - BUGLO, DANIEL

Assisted By

Occurred On 5/31/2008 2:20:00 AM
(and Between)
Location 5141 ROSA PARKS BLVD.
CSZ
Census/Geo Code 5150
Grid C2 - 0102
Call Source OTHER

Connecting Cases
Disposition ACTIVE
Tactical Actions
Clearance Reason
Date of Clearance
Reporting Agency DETROIT POLICE DEPARTMENT
Division VICE SECTION
Notified

Assist Agency

Vehicle Activity
Vehicle Travelling
Cross Street

Means
Other Means
Motive
Other Motives

Report Narrative

ON THE ABOVE DATE AND TIME, VICE ENFORCEMENT, NARCOTICS CODE 3025 AND 2913 AND TACTICAL MOBILE, DISTRICT EXECUTED A SEARCH WARRANT NUMBER 08001827 ON 5141 ROSA PARKS BLVD AND THE BELOW LISTED VEHICLES WERE IMPOUNDED UNDER NUISANCE ABATEMENT: TOW LOT USED WERE AC TOWING, B&T TOWING, GENE'S TOWING, AND B&G TOWING

VEU40: ENGAGER, DOORMAN: JOSEPH TIMLIN, W/M/24, 12/14/83 OF 1139 SAINT AUBIN, HAMTRAMCK, MI. ISS ORD U42346408 FOR "ENGAGE IN ILLEGAL OCCUPATION" BY LT. V. YOST.
2001 SATURN SILVER BGW5977 08/MI VIN 1G8JU52F01Y562176 AC TOWING

VEU41: ENGAGER, DOORMAN: CHRISTOPHER KANE SHOEMAKER, W/M/29, 6/17/78 OF 472 KIMBERLY APT. 101 LAKE ORION, MI. ISS ORD U42346208 FOR "ENGAGE IN ILLEGAL OCCUPATION" BY LT. YOST.
1998 FORD SW PRH3813 08/MI 1FMZU35P6WUD23503 TOW BY

VEU42: ENGAGER, HOUSEMAN: BRANDON LOUIS WALLEY, W/M/32, 10/16/75 OF 27 E. WILLIS APT. 18, DETROIT, MI. ISS ORD U42346108 FOR "ENGAGE IN ILLEGAL OCCUPATION" BY SGT. DANIEL BUGLO.
VEHICLE: 1997 SUBARU BLUE 4/D PLATE# 1JLE71 08/MI VIN# 4S3BK4354V7316677AC TOWING

VEU43: STEVEN BRIAN KEYCIA, W/M/20, 7/28/88 OF 51490 S. ADELLE, NEW BALTIMORD, MI. ISS ORD U42343008 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. CARSON.
VEHICLE : 1991 BUICK PARK AVE MAROON 4/D PLATE# BLB5867 VIN# 1G4CU53LXM1648820 AC TOWING

VEU44: CANDICE ELISABETH BRANDELIK, W/F/18, 12/13/89 OF 15650 ASPEN DRIVE, MACOMB TWP., MI. ISS ORD U42342808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. WHEELER.
VEH: 1998 FORD EXPLORER RED PLAT BVH5841 VIN 1FMZU35P8WWA53738 TOW BY

VEU45: BRITTANY ELIZABETH DALLAS, B/F/19, 3/2/89 OF 17704 TOEPFER, EASTPOINTE, MI. ISS ORD U42343708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. PASSMORE.
VEHICLE: 1998 CHEVY 4/D RED PLATE# BNM1218 08/MI VIN#1G1JC5247W7156103 AC TOWING

VEU46: DARLENE CELESTE HELLENBERG, W/F/25, 12/1/82 OF 203 COLLEGE ST. FERNDAL, MI. ISS ORD U42343508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.
1999 CHEVY CAVILER WHITE PTU4870 08/MI 1G1GF52T5X7161994 TOW BY AC TOWING

VEU47: RYAN PAUL GATES, W/M/21, 9/11/86 OF 7033 N. BLAIR AVE. ROYAL OAK, MI. ISS ORD U42367508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. COBB-SANDERS.
VEH: 1994 SABB 900S GRAY 4/D PLATE 74DBB 08/MI VIN YSD3M58BR204397 AC TOWING

VEU48: JOY ALICIA WELLS, B/F/20, 12/01/87 OF 29224 LANCASTER DR. #208, SOUTHFIELD, MI. ISS ORD U42343108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO T. GRAY.
1986 VOLVO TAN COLOR PLATE BAN3366 08/MI YV1AX884XG1209346 TOW BY AC TOWING

VEU49: JACQUE SUTTON, W/M/21, 5/22/87 OF 170 MOROSS ST. MOUNT CLEMONS, MI. ISS ORD U42367708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. A. POTTS.

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VEHICLE: 1989 FORD MUSTANG RED 2/D PLTE# 1FLM26 08/MI VIN# 1FABP42E8KF286013 HELD AT AC TOWING

VEU50: ANTHONY JOSEPH PRATT, W/M/20, 12/12/87 OF 2679 BACON AVE. BERKLEY, MI. ISS ORD U42368908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. LAWS.

VEH: 1990 PLYM WHITE 4/D PLATE 5ATD40 08/MI 1P3XA439LF710505 B&T TOWING

VEU51: AUSTIN JONES, W/M/20, 7/5/87 OF 6682 SWARTOUT RD. ALGONAC, MI. ISS ORD U42368808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. CARSON.

2003 FORD FOCUS SILVER BLX3266 08/MI VIN 1FAFP33P03W280719 TOW BY GENES

VEU52: MARIAN LOUISE SCHMIDT, W/F/19, 1/31/89 OF 641 UNIVERSITY PLACE, GROSSE PTE., MI. ISS ORD U42368408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO C. COLEMAN.

VEHICLE: 2004 GREEN VW JETTA 4/D PLATE# UJZ72 08/MI VIN#3VWSR69M44M077025 HELD AT AC TOWING

VEU53: TABITHA TABY, W/F/21, 10/24/86, OF 2217 SALMON ST. MANCHESTER, NH. ISS ORD U42367208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. NEWTON.

1997 TOY CAMERY 4/D VIN#4T1BF22K5VU029538 TOW BY B&T TOWING

VEU54: JENNA MARIE RINKE, B/F/18, 4/21/89 OF 37875 HOBARTH RD. CHESTERFIELD TWP. ISS ORD U42345608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. C. TURNER.

VEH: 2001 PLYM NEON RED 9GLL07 08/MI 1P3ES46C15D276466 AC TOWING

VEU55: NICOLE PEDLEY, W/F/20, 5/24/88 OF 20914 HAYES, TAYLOR, MI. ISS ORD U42344908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. PENN.

1998 FORD EXCORT RED 4/D 2GNH54 08/MI VIN# 3FAKP1134WR246454 AC TOWING

VEU56: BURI AHMED KHAN, W/M, 5/13/84 OF 1913 E. LINCOLN AVE. ROYAL OAK, MI. ISS ORD U42361008 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

VEHICLE: 2000 SATURN BLACK PLATE BPX5916 08/MI VIN# 1G8ZK527XYZ264059 HELD AT AC TOWING

VEU57: BRIAN JAMES ROZMAN, W/M/35, 11/27/72 OF 1837 BEECHMONT, DEEGO HARBOR, MI. ISS ORD U42361308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

VEH; 2007 HONDA ACCORD SILVER 4/D PLC4497 08/MI 1HGCM56867A140829 TOW BY AC TOWING

VEU58: MICHAEL WAYNE MALOSEVICH, W/M, 6/18/86 OF 436 W. DRAYTON, FERNDAL, MI. ISS ORD U41092108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO B. COLE.

VEHICLE: 2006 PONT G6 RED PLATE# BHZ9823 08/MI VIN# 1G2ZG558064217374 HELD AT B&T TOWING

VEU59: MATTHEW STEVEN SMITH, W/M/22, 12/12/85 OF 15438 LEONA DR. REDFORD, MI. ISS ORD U42361208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. PASSMORE.

VEHICLE: 2007 FORD FOCUS 4/D BLACK PLATE# BFD1290 08/MI VIN# 1FAHP34N57W246609 HELD AT AC TOWING

VEU60: NATHANIEL PRICE, W/M, 9/6/87 OF 604 W. LEWISTON AVE. FERNDAL, MI. ISS ORD U42363208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. A. POTTS.

VEHICLE: 1996 BLUE CHEVY PLATE BQV9567 08/MI VIN# 1G1LD55M7TY125439 HELD AT B&T TOWING

VEU61: JACOB TIMLIN, W/M, 9/18/72 OF 27111 PARK CT. MADISON HGTS., MI. ISS ORD U41094108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. COBB-SANDERS.

VEHICLE: 1991 HONDA GRAY 4/D PLATE# BWX6668 08/MI VIN# 2HGED6457MH591076 HELD AT GENES TOWING

VEU62: JASON ANTHONY LEVERETTE-SAUNDERS, W/M, 6/11/83 OF 16232 NORMANDY ST. DETROIT, MI. ISS ORD U41092808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO T. GRAY.

2005 BLUE CHRYSLER PACIFICA PLATE# 1HCY86 08/MI VIN#2C4GM68405R671517 GENES TOWING

VEU63: DANIEL BRANCHEAU, W/M/24, 1/30/84, OF 9615 BLAXY ST. TAYLOR, MI. ISS ORD U42365308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. SINGLETON.

VEHICLE: 2004 FORD FOCUS 4/D 08/MI PLATE BPQ7714 VIN#1FAFP38Z04W148457 B&G TOWING

VEU64: THOMAS MAHLER, W/M, 9/2/87 OF 741 W. LEWISTON AVE., FERNDAL, MI. ISS ORD U42364008 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO B. COLE.

VEH: 1995 GEO 4/D BLK PLATE BDT5886 08/MI VIN# 1Y1SK5263SZ062164 TOW BY AC TOWING

VEU65: IAN MOBLEY, W/M, 11/6/87 OF 18157 MULBERRY ST. RIVERVIEW, MI. ISS ORD U42367608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. A. POTTS.

2004 HONDA BLACK 4/D PLATE 0HCT51 08/MI 5J6YH28554L001540 TOW BY B&T TOWING

2-10-cv-10675-VAR-MKM Doc # 84-22 Filed 04/17/12 Pg 4 of 5 Pg ID 2098

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VEU66: JASON WYSOCKI, W/M, 8/24/87 OF 21669 OVERLAND CT. MACOMB TWP., MI. ISS ORD U42363808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. G. MCWHORTER.

VEHICLE: 2002 FORD FOCUS GREEN PLATE# BFD3062 08/MI VIN# 3FAFP31342R114303 HELD AT B&T TOWING

VEU67: MICHAEL THOMAS ROZMAN, W/M, 10/30/71 OF 1837 BEECHMONT ST. KEEGO HARBOR, MI. ISS ORD U42343908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. DANIEL BUGLO.

VEH: 2000 OLDS MAROON PLAT PLC0275 08/MI VIN 1GN3F12XYC421463 TOW BY AC TOWING

VEU68: BRUCE RUSSELL NICHOLS, JR., W/M/22, 10/30/85 OF 30 N. EDGEWOOD DR. GROSSE POINTE, MI. ISS ORD U42360308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

1999 DODGE 4/D PLATE# BVP8717 08/MI VIN# 2B3HD56J5XH823552 TOW BY B&T

VEU69: JOEL DANIEL AXNER, W/M/26, 3/16/82 OF 1808 MEADOW WOOD, YPSILANTI, MI. ISS ORD U42340608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

VEH: 1995 TOY RED PLATE BKA3282 VIN# 4T1GK12E9SU086570 AC TOWING

VEU70: STEFANIE MARIE BOCKENSTELLT, W/F/20, 8/7/87 OF 23225 LAKEWOOD ST. CLINTON TWP., MI. ISS ORD U42340108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. C. TURNER.

VEHICLE: 1997 GMC TK PLATE 2GBU66 08/MI VIN# 1GTCT19W2VK5011713 B&G TOWING

VEU71: ANGELA SEXTON, W/F, 7/24/87 OF 1348 FIELDING, FERNDAL, MI. ISS ORD U42341508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO G. JOHNSON.

VEHICLE: 2004 SATURN 4/D PLATE# BPJ2501 08/MI VIN# 1G8JD54R24Y500421 B&G TOWING

VEU72: DERRICK WALKER, W/M, 9/18/85 OF 321 E. 11 MILE RD. 205, ROYAL OAK, MI. ISS ORD U42367408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. LAW.

VEH: 1991 CADILLAC 2/D PLATE BFB0960 08/MI VIN# 1G6EL13B7MU614481 B&T TOWING

VEU73: ANGIE WONG, W/F/22, 2/2/86, OF 20307 SUNNYSIDE ST. ST. CLAIR SHORES, MI. ISS ORD U42345908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. C. TURNER.

2006 FORD MUSTANG BGP7849 08/MI VIN# 1ZVFT80N365183513 TOW BY GENES

VEU74: ERIK SCOTT-PEARSON JOHNSON, W/M/18 OF 158 MAPLEFIELD RD. PLEASANT RIDGE, MI. ISS ORD U41093408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. WHEELER.

VEHICLE: 1998 RED ESCORT PLATE# BQV2965 08/MI VIN# 3FAFP15P1WR251383 HELD AT B&T TOWING

VEU75: JAKE ANDREW GROSS, W/M/21, 10/26/86 OF 8863 CARRIAGE HILL DR., SHELBY TWP., MI. ISS ORD U41093508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. WHEELER.

VEHICLE: 2001 NISSAN ALTIMA TAN PLAT# 8HXN87 08/MI VIN# 1N4DL01D31C236660 AC TOWING

VEU76: CHRISTOPHER ANDY KRSTESKI, W/M/27, OF 38688 BYRIVER ST. CLINTON TWP., MI. ISS ORD U42343808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. CARTER.

VEH: 2008 VW WHITE BAN7910 08/MI VIN# 2VWRM71K58M124694 TOW BY AC TOWING

VEU77: ANTHONY EDWARD PEDALINO, W/M, 1/29/85 OF 932 DEWEY, ANN ARBOR, MI. ISS ORD U41092608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. BROWN.

VEHICLE: 2001 HONDA 4/D SILVER PLATE# 0MQ43 08/MI VIN# 1HGCG56691A085497 HELD AT GENES TOWING

VEU78: ENGAGER, BARTENDER: JENNIFER ANNE SCHRAEDER, W/F/26, 5/5/82 OF 31666 NIXON, BEVERLY HILLS, MI. ISS ORD U42346308 FOR "ENGAGE IN ILLEGAL OCCUPATION" BY SGT. DANIEL BUGLO

2006 TOY SCION XA VIN# JTKKT624860156310

VEU79: MICHAEL ANTHONY MAZZOLE, W/M, 5/24/87 OF 143 S. HIGHLAND, MT. CLEMENS, MI. ISS ORD U42363408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. LAWS.

1997 SUBURU OUTBACK VIN# JF1GF4853VG812742 AC TOWING

VEU80: LEAH CHRISTIAN GARVONIC, W/F/20, 8/26/87 OF 39757 BERKLEY, CLINTON TWP., MI. ISS ORD U42344408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. PENN.

1993 GRAND AM VIN# 1G2NW54N9PC778687

VEU81: ASHLEY RENEE LISI, W/F/18, 3/13/90 OF 15345 GLENHURST, SOUTHGATE, MI. ISS ORD U42345308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. PASSMORE

1999 FORD TAURUS VIN 1FAFP52U6XA111066

VEU82: SARAH CATHERINE MERCURY, W/F/25, 7/26/82 OF 2720 ROSA PARKS BLVD. DETROIT, MI. ISS ORD U42345408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO T. GRAY.

2007 CHRYSLER PACIFICA VIN 2A8GM68X57R162013 B&G TOWING

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VEU83: AMADA B. SANDRIK, W/F/19, 12/25/88 OF 12908 GRANDE POPLAR CR., PLAINFIELD, IL. ISS ORD U42340508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. C. TURNER
2003 PONT GRAND AM VIN# 1G2NW12E63C308784

LT. VICKI YOST, BADGE L-112 AND SERGEANT DANIEL BUGLO, BADGE S-444, BOTH ASSIGNED TO VICE ENFORCEMENT, ENTERED THE LOCATION IN AN UNDERCOVER CAPACITY TO CONFIRM ILLEGAL ACTIVITY. WRITER AND PARTNER WERE CHARGED A \$5.00 COVER CHARGE AND A \$3.00 MEMBERSHIP FEE. WRITER OBSERVED SEVERAL PATRONS WITH ALCOHOL. WRITER AND PARTNER PURCHASED BEER FROM THE BAR AT \$4.00 A CUP. AT APPROX. 2:10AM, PATRONS WERE STILL BEING ALLOWED INTO THE LOCATION AND THE BAR WAS STILL OPEN. LT. YOST NOTIFIED THE RAID CREW AND SAME EXECUTED THE ANTICIPATORY SEARCH WARRANT. WRITER WAS THE AFFIANT ON THE SEARCH WARRANT.

NOTE: A PINK PURSE BELONGING TO CAITLIN D. BRUCE-CAMPO, W/F OF 39500 CHART ST., HARRISON TWP. PHONE 586-792-7416, CONTAINING NO VALUABLES, WAS RELEASED TO JACOB TIMLIN, PH. 586-931-5042 PER HER (CAITLIN.)
LT. YOST SPOKE TO MS. BRUCE-CAMPO.

Offense Detail: 0990 - INFORMATION

Offense Description	0990 - INFORMATION	Location	05 - COMMERCIAL/OFFICE BUILDING
IBR Code		Offense Completed?	NO
IBR Group		Hate/Bias	00 - NONE (NO BIAS)
Crime Against		Domestic Violence	NO
Offense File Class	99009 -		
PACC			
Local Code			
Using			
Criminal Activity			
Weapons			

EXHIBIT 22

Gregory McWhorter, Sgt.

10/27/2011

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY MOBLEY, PAUL KAISER,
ANGIE WONG, JAMES WASHINGTON, NATHANIEL
PRICE, JEROME PRICE, STEPHANIE HOLLANDER,
JASON LEVERETTE-SAUNDERS, WANDA LEVERETTE,
DARLENE HELLENBERG, THOMAS MAHLER, and
LAURA MAHLER,

Plaintiffs,

Hon. Victoria A. Roberts
Magistrate Judge Mona K. Mazoub
No. 10-cv-10675

-vs-

CITY OF DETROIT, a municipal
corporation, Lieutenant VICKI YOST,
a Detroit police officer, in her
individual capacity, Sergeant DANIEL
BUGLO, a Detroit police officer, in his
individual capacity, Sergeant G. MCWHORTER,
a Detroit police officer, in his/her
individual capacity, Sergeant A. POTTS,
a Detroit police officer, in his/her
individual capacity, Sergeant CHARLES TURNER,
a Detroit police officer, in his individual
capacity, Officer M. BROWN, a Detroit police
officer, in his/her individual capacity, Officer
B. COLE, a Detroit police officer, in his/her
individual capacity, Officer TYRONE GRAY, a
Detroit police officer, in his individual
capacity, Officer SHERON JOHNSON, a Detroit
police officer, in her individual capacity,
Officer K. SINGLETON, a Detroit police officer,
in his/her individual capacity, and UNNAMED
DETROIT POLICE OFFICERS, in their individual
capacities,

Defendants.

DEPOSITION OF SERGEANT GREGORY MCWHORTER

THURSDAY, OCTOBER 27, 2011

Gregory McWhorter, Sgt.

10/27/2011

2 (Pages 2 to 5)

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Deposition of SERGEANT GREGORY McWHORTER,
taken in the above-entitled cause before Denise Moorfoot,
(CSR-2275), Court Reporter and Notary Public for the County
of Oakland, State of Michigan, at 660 Woodward, Suite 1650,
Detroit, Michigan, on Thursday, October 27, 2011, commencing at
or about the hour of 12:15 p.m.
APPEARANCES:

MR. DANIEL S. KOROBKIN
American Civil Liberties Union Fund of Michigan
2966 Woodward Avenue
Detroit, Michigan 48201
-and-
MS. KATHRYN BRUNER JAMES
Goodman & Hurwitz, P.C.
1394 E. Jefferson Avenue
Detroit, Michigan 48207
Appearing on behalf of the Plaintiffs.
MR. JERRY ASHFORD
City of Detroit Law Department
660 Woodward Avenue
1650 First National Building
Detroit, Michigan 48226
Appearing on behalf of the Defendants.

Detroit, Michigan
Thursday, October 27, 2011
12:15 p.m.

GREGORY McWHORTER

was thereupon called as a witness herein and, after
having been first duly sworn to tell the truth, was
examined and testified as follows:

EXAMINATION

BY MR. KOROBKIN:

Q Good afternoon, Sergeant McWhorter. Is that correct?

A Yes.

Q My name is Dan Korobkin. I'm the attorney for the
plaintiffs in this case.

A Okay.

Q There are eight plaintiffs in this case who were at the
Contemporary Art Institute of Detroit on May 31st, 2008,
when there was a police department raid there. There are
also four plaintiffs who were not actually present there,
but they're the owners of cars that were impounded at that
event. I'm going to be asking you some questions today.
Have you been deposed before?

A As far as in correlation with this?

Q Not in connection with this. Any other case.

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A Yes.

Q About how many times?

A Approximately six, seven.

Q So you probably know the basic ground rules, but I'm just
going to go over them real quickly. To help the court
reporter, please make sure all your answers to my
questions are verbal instead of shaking your head or
nodding your head, and please try not to say uh-huh or
uh-uh because that's very hard for the court reporter to
take down. If you don't understand a question, please ask
me to rephrase it or clarify. If you didn't hear the
question or you would like it repeated, you can either ask
me to do that, or you could ask the court reporter to
repeat the question that I have asked you.

And, finally, you're being represented by Mr.
Ashford here today from the City of Detroit Law
Department. He may object from time to time to a question
that I have. If he does object, you should wait for the
objection to be entered by him, and then, unless he
specifically instructs you not to answer, you should still
answer the question that I have asked. Is that clear?

A Yes.

Q Great. Thanks.

Let me begin just by showing you the deposition
notice for today, and I'll ask the court reporter to mark

Gregory McWhorter, Sgt.

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3 (Pages 6 to 9)

Page 6

Page 8

1 this as Exhibit 1.
 2 (WHEREUPON, Deposition Exhibit 1
 3 was marked for identification.)
 4 BY MR. KOROBKIN:
 5 Q Sergeant McWhorter, this is a notice that is called
 6 Re-Notice of Taking Deposition Duces Tecum of Sergeant
 7 Gregory McWhorter. Have you seen this document before?
 8 A No.
 9 Q Were you asked to bring anything with you today?
 10 A I did bring some documentation, yes.
 11 Q And what do you have with you today?
 12 A Activity log, a Detroit Police Department crime report,
 13 follow-up report, and that was it. Basically the search
 14 warrant itself.
 15 MR. KOROBKIN: I'll just place on the record
 16 that I'm going to reserve the right to continue the
 17 deposition if there are any other documents that we have
 18 asked to be produced for this deposition that subsequently
 19 come to light.
 20 BY MR. KOROBKIN:
 21 Q What you have described is the totality of what you have
 22 that you have brought with you today; is that correct?
 23 A Yes.
 24 Q Is there anything other than the documents you have just
 25 described to me that you have reviewed before this

1 A I'm in the military.
 2 Q Okay.
 3 A I wouldn't say -- Well, support of I would say military
 4 law.
 5 Q I'm sorry?
 6 A Support of military law.
 7 Q Can you describe a little bit more what you do in the
 8 military?
 9 A Emergency management type functions, security, clearances,
 10 that type of thing.
 11 Q What branch of the military?
 12 A Air Force.
 13 Q And what is your rank?
 14 A Senior master sergeant.
 15 Q And is this the reserves?
 16 A Yes.
 17 Q Where did you go to high school?
 18 A Henry Ford High School.
 19 Q You have a high school degree?
 20 A Yes.
 21 MR. ASHFORD: You mean diploma?
 22 THE WITNESS: Diploma.
 23 MR. KOROBKIN: Yes. I guess none of us has a
 24 high school degree.
 25 BY MR. KOROBKIN:

Page 7

Page 9

1 deposition?
 2 A No. That was it.
 3 Q And did you get a chance to review those documents before
 4 today's deposition?
 5 A Yes.
 6 Q Great. I can take back the notice.
 7 Let me ask you for your full name and your badge
 8 number as well, please.
 9 A Gregory Mark McWhorter, badge S-102.
 10 Q S indicates you're a sergeant?
 11 A Yes.
 12 Q Were you also a sergeant on May 31st, 2008?
 13 A Yes.
 14 Q How long have you been with the Detroit Police Department?
 15 A Approximately nineteen years.
 16 Q So your date of hire would have been early nineties?
 17 A Yes.
 18 Q Do you know exactly what date or year you were hired?
 19 A Yes. It would have been September 20th, 1993.
 20 Q Have you ever been employed by any other law enforcement
 21 agency other than the City of Detroit Police Department?
 22 A No.
 23 Q Are you currently employed in the field of security or
 24 other similar law enforcement activity outside of the
 25 police department?

1 Q Do you have a degree from any other institution of higher
 2 learning besides high school?
 3 A Florida A & M.
 4 Q What's your degree?
 5 A Sociology.
 6 Q Is it a bachelor of science, arts?
 7 A Bachelor's, yes.
 8 Q Have you taken classes, other than at Florida A & M, at
 9 any other institute of higher learning?
 10 A Yes.
 11 Q And what would those be?
 12 A Community College of the Air Force, places I have been
 13 stationed, because I was active duty for approximately
 14 fifteen years. So University of Nebraska. Oh, goodness.
 15 That's about it.
 16 Q What did you do at the University of Nebraska?
 17 A Basically seminars, classes as far as sociology, that type
 18 of thing.
 19 Q It wasn't really in the law enforcement field?
 20 A No.
 21 Q What were the years that you were on active duty? Was it
 22 in the Air Force?
 23 A Yes. 1980 is when I started until now and continuing.
 24 Q So when you said you're in the reserves, that's also
 25 considered active duty?

Gregory McWhorter, Sgt.

10/27/2011

4 (Pages 10 to 13)

Page 10

1 A Well, reserves. I did fifteen years of active duty.
 2 Again, well, thirteen -- I'm sorry. Thirteen years of
 3 active duty, left the service due to an injury, joined the
 4 reserves, and I have been in the reserves since.
 5 Q When you left active duty in the Air Force, that was when
 6 you joined the Detroit Police Department?
 7 A Yes.
 8 Q Did you have any other jobs before you joined the police
 9 department other than being in the military?
 10 A UPS.
 11 Q And what did you do for them?
 12 A Basically, it was express package delivery.
 13 Q What were the years of your employment at UPS?
 14 A Approximately, say about eighteen months actually. It was
 15 in lieu of waiting for my application to go through at the
 16 Detroit Police Department and Michigan State Police.
 17 Q So about what year?
 18 A What year what?
 19 Q Were you employed at UPS?
 20 A I would say 1991, going into '92 type of thing. Yeah.
 21 Q How old are you?
 22 A I am fifty years of age.
 23 (Discussion off the record.)
 24 BY MR. KOROBIKIN:
 25 Q You said you're in the Air Force. Is there a division

Page 12

1 A Yes.
 2 Q When was that completed?
 3 A I started September 20th, '93. I'm going to say February
 4 of -- Well, February, March of '94. I'm unclear on my
 5 completion date.
 6 Q 1994?
 7 A Yes.
 8 Q Did you have any law enforcement training prior to your
 9 academy training for the Detroit Police Department?
 10 A Only in the military.
 11 Q Can you tell me a little bit of what that consisted of,
 12 the military law enforcement training?
 13 A I'm a security specialist dealing with security of the
 14 base itself, the personnel on the base, nuclear weapons,
 15 and military resources.
 16 Q And where did that training take place?
 17 A Lackland Air Force Base, Texas.
 18 Q The training was by the Air Force?
 19 A Yes.
 20 Q Can you tell me -- I think we have been through your ranks
 21 in the Detroit Police Department. Can you tell me which
 22 departments or divisions you have been assigned to during
 23 your career in the Detroit Police Department?
 24 A They would be -- let's see -- would be the 13th Precinct,
 25 special response team, mayor's security. Oh, gosh.

Page 11

1 within the Air Force that you're currently assigned to? I
 2 don't know how the structure works.
 3 A Well, my career field would be what they call emergency
 4 management. Yes.
 5 Q And what would they call that within the Air Force? A
 6 division? A unit?
 7 A That is a job, basically my job description. Yes.
 8 Q And is there a sub category, a sub unit of the Air Force
 9 that you report to?
 10 A Yes. I mean, numerically it would be the 445th Civil
 11 Engineering Squadron.
 12 Q Great. I think that's what I was looking for.
 13 A Okay.
 14 Q How long have you been assigned to the rank of sergeant?
 15 A I believe it was 2004. 2004-2005.
 16 Q You were promoted from the rank of?
 17 A Police officer.
 18 Q Have you held any other rank besides police officer and
 19 sergeant in the Detroit Police Department?
 20 A No, I have not.
 21 Q Have you ever been demoted at the Detroit Police
 22 Department?
 23 A No, I have not.
 24 Q Your training was at the Detroit Police Academy; is that
 25 right?

Page 13

1 Narcotics, traffic enforcement, tactical mobile, 12th
 2 Precinct, 10th Precinct, fugitive apprehension with the
 3 U.S. Marshals. That's all I can remember right now.
 4 Q The date of the incident that brings us here today is May
 5 31st, 2008. What division or department were you assigned
 6 to at that time?
 7 A Tactical mobile.
 8 Q Are you still assigned to tactical mobile?
 9 A I am now.
 10 Q Has there been a break between then and now?
 11 A Yes.
 12 Q Please describe what that break was.
 13 A I was reassigned from tactical mobile to the Detroit
 14 fugitive apprehension team, manpower shifting to the 12th
 15 Precinct, and back to tactical mobile.
 16 Q Have you ever applied for a promotion that's been denied
 17 to you?
 18 A No.
 19 Q Have you ever applied for a transfer that's been denied to
 20 you?
 21 MR. ASHFORD: In the police department?
 22 MR. KOROBIKIN: Yes.
 23 THE WITNESS: Repeat your question.
 24 BY MR. KOROBIKIN:
 25 Q Have you ever applied for a transfer in the police

Gregory McWhorter, Sgt.

10/27/2011

5 (Pages 14 to 17)

Page 14

1 department that has been denied to you?

2 A No, not that I know of.

3 MR. KOROBKIN: I'm going to ask the court

4 reporter to mark Exhibit 2.

5 (WHEREUPON, Deposition Exhibit 2

6 was marked for identification.)

7 BY MR. KOROBKIN:

8 Q Sergeant, I'm handing you a document, and at the top of

9 the document it says "Michigan Commission on Law

10 Enforcement Standards, Individual Employment History."

11 Could you take a moment to review this and tell me if you

12 agree it more or less describes the training that you have

13 undertaken during your time at the Detroit Police

14 Department?

15 A Yes.

16 Q To your knowledge, does this describe all of the training

17 you have received?

18 A I cannot say for sure on the accuracy of this.

19 Q I'm sorry?

20 A I'm not sure on the accuracy of this, no.

21 Q You're not sure?

22 A No.

23 Q Is there anything here that you recognize as being

24 inaccurate in the sense that you did not attend that

25 training?

Page 15

1 A No. It seems like I have attended this training.

2 Q And can you think of anything specifically that you -- Can

3 you think of any training specifically that you have

4 attended that is not listed on this document as a Detroit

5 Police Department officer?

6 MR. ASHFORD: Objection as to form. You can

7 answer.

8 THE WITNESS: That I don't know. I can't -- I

9 mean, I'm not thinking of --

10 BY MR. KOROBKIN:

11 Q You can't think of anything right now?

12 A Right.

13 Q Okay. Let me ask you if you would turn to page 5 of 5.

14 A Page 5 of 5. Okay.

15 Q The first line there in the middle of the page says "Basic

16 Police Sniping"?

17 A Yes.

18 Q And then there's an indication that suggests that you have

19 failed that course.

20 A Okay.

21 Q Do you recall that?

22 A That's not a course you pass or fail.

23 Q What do you mean by that exactly?

24 A Basic police sniping? First of all, I have never heard of

25 it in that terminology before. Second of all, this would

Page 16

1 have had to have occurred on the special response team.

2 Forty hours it says. It would not be a -- I was

3 certified. It would not be a pass/fail type course as far

4 as, you know, if you failed any aspect of special response

5 team, then you wouldn't be able to proceed on special

6 response team.

7 Q You would be reassigned?

8 A Yes.

9 Q So do you have any idea what this means?

10 A In correction (sic). I have no idea. Where the document

11 comes from, maybe the State, I don't know. Like I said, I

12 don't know the premise behind it.

13 Q I'm sorry. You said in correction?

14 A It would be --

15 Q It's incorrect?

16 A Yeah, incorrect, yes.

17 Q So to your knowledge, you have never failed a course or

18 training segment that would be described as basic police

19 sniping?

20 A Yes. I have never heard of basic police sniping. I'm

21 sorry.

22 Q Yeah.

23 A I mean --

24 Q I share your view on that.

25 A Somehow or another there must be an in correction (sic) of

Page 17

1 terms or what have you.

2 Q And you can't recall around that date of August 2002 you

3 going to a training or having failed to go to a training?

4 A No.

5 Q Okay.

6 A Uh-uh.

7 Q I'll take that back when you're ready.

8 Are you familiar with the City of Detroit

9 ordinance loitering in a place of illegal occupation?

10 A Yes, I have heard of it.

11 Q Do you know if you have received any training on that

12 ordinance and how to enforce it?

13 A I don't recall.

14 Q Are you familiar with the nuisance abatement law?

15 A Yes.

16 Q And have you received any training about what that means

17 or how to enforce it?

18 A I do not recall.

19 Q Are you familiar with the term blind pig?

20 A Yes.

21 Q Can you tell me what that term means to your knowledge?

22 A Basically, illegal activities being conducted inside a

23 place supposedly that appears to be -- appears to be a --

24 wouldn't necessarily be like a cabaret place or a place

25 like a lounge or what have you. Plain building,

Gregory McWhorter, Sgt.

10/27/2011

6 (Pages 18 to 21)

Page 18

1 plain-wrapped building, what have you, a place -- I
 2 guess you could call it in the basement of a home. It
 3 could be in a building, a commercial building labeled as
 4 something else.
 5 Q And any type of illegal activity in particular or
 6 anything?
 7 A Anything that would be illegal.
 8 Q And have you had training on law enforcement activity or
 9 policies related to blind pigs?
 10 MR. ASHFORD: Objection to the form.
 11 THE WITNESS: I do not recall.
 12 BY MR. KOROBKIN:
 13 Q Do you understand the question?
 14 A Yes.
 15 Q Have you had training in the execution of search warrants?
 16 A Yes.
 17 Q When was that training?
 18 A I do not recall the date. It was -- Yeah, I do not recall
 19 the date.
 20 Q Was it more than one training?
 21 A I believe twice.
 22 Q Were there any printed materials that were handed out to
 23 you during either one of those trainings?
 24 A I don't recall if there was.
 25 Q You have had use of force training?

Page 19

1 A Yes.
 2 Q And about how many times have you had use of force
 3 training?
 4 A Yearly.
 5 Q Since you joined the force?
 6 A Yes.
 7 Q You have received written materials at those trainings?
 8 A Yes, they do provide a pamphlet, yes, use of force, yes.
 9 Q Have you kept any of those materials?
 10 A No.
 11 Q You've thrown them out, recycled them, whatever?
 12 A Basically, yes.
 13 Q Your training on execution of search warrants, did that
 14 include what to do with people who are located inside a
 15 place that you're searching who are not specifically named
 16 or described by the search warrant?
 17 A You're saying a procedure?
 18 Q Yes.
 19 MR. ASHFORD: Objection to the form.
 20 THE WITNESS: I don't recall.
 21 BY MR. KOROBKIN:
 22 Q Have you been trained on terminology and procedures
 23 related to probable cause?
 24 A I don't understand "terminology."
 25 Q Do you know the terminology "probable cause"?

Page 20

1 A Yes.
 2 Q Did you learn that through your training at the Detroit
 3 Police Department?
 4 A Yes.
 5 Q And has your training included when you would have
 6 probable cause to take law enforcement action?
 7 A Yes.
 8 Q Did the training include instructions regarding the need
 9 for particularized probable cause?
 10 MR. ASHFORD: Objection as to form. Do you
 11 understand the question?
 12 THE WITNESS: No, I don't. You say
 13 "particularized."
 14 BY MR. KOROBKIN:
 15 Q You have not heard that term?
 16 A No, I have not.
 17 Q The question I'm asking is whether probable cause needs to
 18 be particularized to the specific person that you are
 19 either detaining, searching, or arresting?
 20 A No.
 21 Q No, you haven't received training on it?
 22 A Not that I recall.
 23 Q Did your training include any discussion of how to --
 24 Scratch that.
 25 Did your training include how probable cause

Page 21

1 applies to large groups of people?
 2 A Large groups of people? I do not recall.
 3 Q Okay. Let me rephrase the question I asked earlier. Did
 4 the training include whether probable cause must be
 5 specific toward a particular person?
 6 MR. ASHFORD: Objection as to form.
 7 THE WITNESS: That I don't recall.
 8 BY MR. KOROBKIN:
 9 Q Okay. And just to follow up, as far as you know, you
 10 don't have any written materials in your possession,
 11 either in your office or your home, from trainings you
 12 have received at the Detroit Police Department?
 13 A No. As far as written, no.
 14 Q Tactical mobile, that's your current assignment and was
 15 your assignment at the time of the raid that brings us
 16 here today, correct?
 17 A Yes, sir.
 18 Q Can you tell me where that entity is placed within the
 19 overall structure of the Detroit Police Department? Is it
 20 under an umbrella with other units? How is it arranged
 21 hierarchically within the Detroit Police?
 22 A I would not know the hierarchy. I don't think there's an
 23 organizational chart that applies.
 24 MR. ASHFORD: Objection as to form.
 25 BY MR. KOROBKIN:

Gregory McWhorter, Sgt.

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7 (Pages 22 to 25)

Page 22

1 Q Is tactical mobile under any form of structural umbrella
2 with other units or divisions of the Detroit Police
3 Department?
4 A Patrol support.
5 Q Okay. What is the relationship between patrol support and
6 tactical mobile?
7 A That's the entity that tactical mobile reports to.
8 Q Who else reports to patrol support besides tactical
9 mobile?
10 A Traffic enforcement, K-9, weights and measures, I believe
11 gang enforcement, and that's all I recall.
12 Q Who do you report to?
13 A Who do I report to?
14 Q Yes.
15 MR. ASHFORD: Currently?
16 MR. KOROBKIN: Yes.
17 THE WITNESS: Currently? Lieutenant.
18 BY MR. KOROBKIN:
19 Q That lieutenant is within tactical mobile?
20 A Yes.
21 Q And is that lieutenant in command of tactical mobile?
22 A Yes.
23 Q So above the lieutenant, you're outside tactical mobile?
24 A No. He has a person he reports to.
25 Q And who is that?

Page 23

1 A That's when it goes to patrol support.
2 Q I see. So patrol support would be the next step up above
3 the lieutenant?
4 A Yes.
5 Q And what's the rank of that individual?
6 A You usually have an inspector; then you have a commander.
7 Yes.
8 Q How many sergeants are in tactical mobile?
9 A Right now?
10 Q Yes.
11 A Four.
12 Q And how many officers are in tactical mobile?
13 A As of today? Forty.
14 Q How about back on May 31st, 2008, was it approximately the
15 same or was --
16 A No.
17 Q -- everything completely different?
18 A Completely different.
19 Q Can you describe how it was different?
20 A As far as numbers?
21 Q Yeah. How many officers were in tactical mobile at the
22 time, approximately?
23 A Fifty to sixty, I believe. And sergeants may have been
24 eight to ten.
25 Q And when you say it was completely different, what other

Page 24

1 differences are you referring to?
2 A Over the years, the structure changes according to
3 manpower.
4 Q What's the general mission or role of the tactical mobile
5 unit?
6 MR. ASHFORD: Objection to form. Go ahead.
7 THE WITNESS: Patrol support.
8 BY MR. KOROBKIN:
9 Q What does patrol support mean?
10 A It means precincts and districts within the city, we add a
11 support element to them to help them out in their patrol
12 duties. Also, specialized as far as crowd control, mobile
13 field force, and anything where the police department may
14 need aid with more manpower.
15 Q So you're able to go to whatever precinct or division?
16 A City-wide.
17 Q The vice enforcement squad, what's the relationship
18 between tactical mobile and vice?
19 A If vice needs help, they can get it from tactical mobile
20 as with any unit in the Detroit Police Department.
21 Q And who would make the request for help? Someone from
22 vice would ask tactical mobile to come in and help?
23 A I believe the proper channel would be whoever is in charge
24 of vice would go through the chief's office, and then it
25 would come down that way.

Page 25

1 Q Have you participated in a blind pig raid before?
2 A Yes.
3 Q About how many times?
4 A I don't recall the number of times.
5 Q More than five?
6 A Yes.
7 Q More than ten?
8 A I don't recall an exact number.
9 Q Not twenty or thirty?
10 MR. ASHFORD: Objection, asked and answered.
11 THE WITNESS: I don't recall.
12 BY MR. KOROBKIN:
13 Q Would you agree that the event on May 31st, 2008, at the
14 Contemporary Art Institute of Detroit was a blind-pig
15 raid?
16 A In my role, I wouldn't have to have an opinion on that
17 determination.
18 Q When I asked you if you participated in a blind pig raid
19 and how many times, would that fall -- would that come
20 into your head as being one of the times you have
21 participated in a blind pig raid?
22 A Structure is there to support it.
23 Q I'm sorry?
24 A The structure is there to support it as far as the
25 elements as far as I know of.

Gregory McWhorter, Sgt.

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8 (Pages 26 to 29)

Page 26

1 Q In terms of what you witnessed that day?

2 A Yes.

3 Q What, as you understand, is the general purpose of a blind

4 pig raid?

5 A Basically, if it's creating a disturbance in the

6 neighborhood, i.e., number of people, illegal activity

7 going on, i.e., drinking, drugs, loud music, disturbing

8 the peace and well-being of the neighborhood.

9 Q Is the goal of the raid to shut it down?

10 MR. ASHFORD: Objection as to form.

11 THE WITNESS: Yes, to stop the activity.

12 BY MR. KOROBKIN:

13 Q Is the target of the raid the business or the people who

14 are present there within the business?

15 MR. ASHFORD: Objection as to form.

16 THE WITNESS: I don't understand your question.

17 BY MR. KOROBKIN:

18 Q Is the principal illegal activity the running of the blind

19 pig or people's presence at the blind pig?

20 MR. ASHFORD: Objection as to form.

21 THE WITNESS: My opinion would be the people

22 that are involved and the business.

23 BY MR. KOROBKIN:

24 Q Both?

25 A Yes.

Page 27

1 MR. KOROBKIN: Now, let me give you Exhibit No.

2 3. I'll ask the court reporter to mark this as Exhibit

3 No. 3.

4 (WHEREUPON, Deposition Exhibit 3

5 was marked for identification.)

6 BY MR. KOROBKIN:

7 Q Let me ask you first, have you to your knowledge ever seen

8 this document?

9 A No, I have not.

10 Q Can you take a moment to review it?

11 A Okay.

12 Q So if I had to summarize this document, I would say it

13 describes what happens or is supposed to happen at a blind

14 pig raid. Would you agree that that's an accurate summary

15 of what this document contains?

16 MR. ASHFORD: Objection to form and foundation.

17 THE WITNESS: Yes, it could be said that this

18 may happen, yes.

19 BY MR. KOROBKIN:

20 Q In your experience, does this reflect accurately the

21 Detroit Police Department's policy on blind pig raids?

22 MR. ASHFORD: I'm going to object as to form.

23 THE WITNESS: That I would not know, sir.

24 BY MR. KOROBKIN:

25 Q And why don't you think you would know the answer to that

Page 28

1 question?

2 MR. ASHFORD: Objection as to form. Why he

3 doesn't know? Is that what your question is?

4 THE WITNESS: Because I haven't had the Detroit

5 police policy in front of me.

6 BY MR. KOROBKIN:

7 Q How about in your experience does it reflect the general

8 practice or custom of the Detroit Police Department on

9 blind pig raids?

10 A That I would not know.

11 Q Now, you have been on several blind pig raids, right?

12 A Yes.

13 Q Have those raids more or less followed what's described in

14 this document?

15 MR. ASHFORD: I'm going to object to the form.

16 THE WITNESS: In my experience?

17 BY MR. KOROBKIN:

18 Q I'm sorry?

19 A Your question?

20 Q In your experience on the blind pig raids you have been

21 on --

22 A Yes.

23 Q -- more or less what's written here is what happens?

24 MR. ASHFORD: Objection to the form.

25 THE WITNESS: In the first part, section 3801,

Page 29

1 execution, that kind of stuff, it all depends on where

2 you're placed at. As far as the preparation, I can't

3 account for that.

4 BY MR. KOROBKIN:

5 Q You mean you don't know what happens in terms of

6 preparation?

7 A Yes. It all depends on where you're placed, what you're

8 in charge of.

9 Q Now, have you ever seen any written Detroit Police

10 Department policies on blind pig raids?

11 A That I do not recall.

12 Q So if you turn to the second page of what I have handed

13 you, the back side, there are nine listed personnel tasks

14 at the top of the page.

15 A Okay.

16 Q To your knowledge, have you ever been assigned one of

17 those tasks in a blind pig raid?

18 A When I served on special response team, yes.

19 Q When was that?

20 A When I served on special response team?

21 Q Yeah.

22 A Approximately, I had about nine years of service with

23 them. I don't know. Two thousand -- I'm sorry. It would

24 be the mid 1990s until approximately 2004 when I was

25 promoted.

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9 (Pages 30 to 33)

Page 30

1 Q So which of these roles were you assigned?
 2 A Crew member.
 3 Q Do you remember the location of the raid?
 4 MR. ASHFORD: Objection as to form.
 5 THE WITNESS: No, I do not.
 6 BY MR. KOROBKIN:
 7 Q How many times were you assigned one of these positions at
 8 a blind pig raid? More than once?
 9 A Yes.
 10 Q So as a crew -- and it was always as a crew member?
 11 A Yes.
 12 Q As a crew member, what was your assignment or role? What
 13 were you supposed to do as a crew member?
 14 A Basically, as part of special response team, we would go
 15 in, and we would mitigate any threats as far as weapons,
 16 dangerous weapons, and secure those personnel.
 17 Q Were you part of the team that would go in first to the
 18 establishment?
 19 A Yes, when I was part of SRT.
 20 Q Once you were part of TMU, you were not assigned to any of
 21 these roles?
 22 A No.
 23 Q What role were you assigned in TMU with respect to a blind
 24 pig raid?
 25 MR. ASHFORD: Objection, asked and answered. Go

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1 ahead.
 2 THE WITNESS: Basically monitoring personnel,
 3 outside perimeter, could be processing, monitoring
 4 personnel.
 5 BY MR. KOROBKIN:
 6 Q So you would go in after the place was secure?
 7 A Yes.
 8 Q And help with processing?
 9 A Processing, people movement, that type of thing.
 10 Q Observe people to make sure they didn't get out of line?
 11 A Well, that's already taken care of.
 12 Q In your role at TMU, would you go to a briefing before the
 13 raid?
 14 A Yes.
 15 Q What would take place at the briefing?
 16 MR. ASHFORD: Objection as to form.
 17 THE WITNESS: That would be general briefing,
 18 search warrant in terms of number on the search warrant,
 19 search warrant number, what the search warrant entailed,
 20 the location, safety as far as officer safety, nearest
 21 hospital, the lineup as far as positions, where vehicle
 22 positioning would be at, what unit is where, and basically
 23 the structure of what we're about to do.
 24 BY MR. KOROBKIN:
 25 Q Now, in your practice or in your experience, many people

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1 at a blind pig are ticketed for loitering in a place of
 2 illegal occupation; isn't that right?
 3 A It has been, yes.
 4 Q Would that be discussed at the briefing ahead of time?
 5 A I don't understand.
 6 MR. ASHFORD: Objection to form.
 7 BY MR. KOROBKIN:
 8 Q Would someone at the briefing say, once the facility is
 9 secure, everyone inside will be ticketed for loitering in
 10 a place of illegal occupation?
 11 MR. ASHFORD: Object to the form.
 12 THE WITNESS: That, no, would not be said for
 13 the fact of beforehand there would have been surveillance
 14 done. Officers would have been inside, and it all
 15 coexists on the reports of what they've seen, the accounts
 16 of what they've seen, who they've seen and however.
 17 BY MR. KOROBKIN:
 18 Q So when would you first know whether someone was going to
 19 be ticketed for loitering in a place of illegal
 20 occupation?
 21 A You're saying me, myself, or at the briefing?
 22 Q Well, it sounds like at the briefing someone is in charge?
 23 A Yes.
 24 Q And they're basically saying this is what's going to
 25 happen during the blind pig raid?

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1 A Yes.
 2 Q And I guess my question is: Does that discussion include
 3 what to do with the people who are in the facility when
 4 you get there?
 5 A Yes.
 6 Q And does that include, we are going to detain them?
 7 A Okay.
 8 Q Are you agreeing?
 9 A You said are we going to detain them?
 10 Q Yes.
 11 A Yes, I guess if they are found to be, you know, conducting
 12 illegal activities, yes.
 13 Q So that would be dependent on whether you actually
 14 observed them engaged in illegal activities?
 15 A The surveillance, yes. Whatever the surveillance reports
 16 back to the raid commander.
 17 Q Well, you did just say that people are often ticketed for
 18 loitering in a place of illegal occupation, is that
 19 correct, at a blind pig raid?
 20 MR. ASHFORD: Objection. I don't believe that's
 21 what the testimony was. No foundation.
 22 THE WITNESS: Repeat your question, sir.
 23 BY MR. KOROBKIN:
 24 Q Let me withdraw the question and let me ask you, what does
 25 the term loitering in a place of illegal occupation mean?

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10 (Pages 34 to 37)

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1 MR. ASHFORD: Objection, asked and answered.
 2 THE WITNESS: It means that people that are in a
 3 place where there are illegal acts being conducted, they
 4 may be participating in them, per se, in the place.
 5 BY MR. KOROBKIN:
 6 Q If a person is not participating in an illegal act, but
 7 they are merely physically present at the location that is
 8 being raided, are they loitering in a place of illegal
 9 occupation?
 10 MR. ASHFORD: Objection to the form.
 11 THE WITNESS: From my position, and you're
 12 talking within conjunction to the Contemporary Arts
 13 building or --
 14 BY MR. KOROBKIN:
 15 Q I think we're going to get there in a minute, but I want
 16 to know, based on your general experience in blind pig
 17 raids, is someone who is merely physically present at the
 18 location when you raid it loitering in a place of illegal
 19 occupation?
 20 MR. ASHFORD: Objection as to form.
 21 THE WITNESS: Usually, in my experience, if they
 22 are inside, they have been either identified or seen by
 23 the surveillance officer or officers in the blind pig or
 24 what have you. Yes, when we get there, that first element
 25 that goes in, usually those people are identified or what

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1 have you like that. So I'm not really understanding.
 2 You're saying that if -- I can't make the determination
 3 whether or not they're engaging or not.
 4 BY MR. KOROBKIN:
 5 Q When you say engaging, do you mean something different
 6 than loitering?
 7 A Loitering? Yes. Loitering, I mean, are they drinking,
 8 smoking, what? I'm not understanding.
 9 Q I guess I'm asking, if you don't see them drinking, and if
 10 you don't see them smoking, and if you don't see them
 11 doing anything that on its face appears to be illegal, are
 12 they still loitering in a place of illegal occupation?
 13 A Yes, as the term would apply, I would believe so.
 14 Q And in your experience of blind pig-raids, are you told in
 15 advance before going in that the people who are there,
 16 just merely physically present, will be ticketed for
 17 loitering in a place of illegal occupation?
 18 MR. ASHFORD: Objection as to form. No
 19 foundation.
 20 THE WITNESS: I'm not told who or what have you,
 21 no, sir.
 22 BY MR. KOROBKIN:
 23 Q And when you say you're not told, do you mean that
 24 everyone already understands that to be the case or a
 25 decision is made later whether to charge them with

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1 loitering in a place of illegal occupation?
 2 MR. ASHFORD: Objection as to form.
 3 THE WITNESS: I imagine the decision would be
 4 made when we get there.
 5 BY MR. KOROBKIN:
 6 Q Can you tell me, in TMU, by which I mean tactical mobile
 7 unit -- Is that the correct abbreviation?
 8 A Yes, sir.
 9 Q In TMU, when you go on a blind pig raid, what do you wear?
 10 A Full uniform, fully marked police car.
 11 Q Can you describe the full uniform?
 12 A Badge, name tag, hat, equipment belt, weapon, shoes, your
 13 standard police uniform.
 14 Q You have a badge and name tag?
 15 A Yes.
 16 Q What about when you were with SRT --
 17 A Yes.
 18 Q -- what would you wear for those raids?
 19 A It's all black, what we call tactical dress uniform, name
 20 tag. The vest will say "Police" across it.
 21 Q What color would the words "Police" be?
 22 A White.
 23 Q And it would be a black vest with white lettering?
 24 A Yes.
 25 Q And it would say it all the way across the chest --

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1 A And the back.
 2 Q -- and the back? Have you ever been on a blind pig raid
 3 where someone is wearing -- someone within the police
 4 department is wearing clothes that are not marked
 5 "Police"?
 6 A The only person there would be the surveillance.
 7 Q And what would they be wearing?
 8 A Plain clothes, civilian clothes.
 9 Q Because they were undercover?
 10 A Yes.
 11 Q In terms of the entry team that goes into the blind pig,
 12 you have never seen anyone dressed in a uniform that is
 13 not marked?
 14 A Ask me that again, please.
 15 Q Sure. In terms of the police officers that are part of
 16 the entry team during the raid --
 17 A Okay.
 18 Q -- do any of them wear uniforms or clothes that are not
 19 marked as police uniforms?
 20 A To my knowledge, everybody is marked.
 21 Q Do you happen to know whether there's any Detroit Police
 22 Department policy regarding the wearing of marked versus
 23 unmarked clothes?
 24 A No, I don't know.
 25 Q Let me ask you, on the same sheet of paper you're looking

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11 (Pages 38 to 41)

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1 at now, it says "Raid Procedures"?
 2 A Mm-hmm.
 3 Q It says "Raid Entry"?
 4 A Mm-hmm.
 5 Q "Assignments, Entry," and then it says, "Identification of
 6 all Engager."
 7 A Mm-hmm.
 8 Q What's an engager to your knowledge?
 9 A I imagine that would be somebody who is engaging in
 10 illegal activity.
 11 Q Can you give some examples of what that would be in a
 12 blind pig?
 13 A Engager, oh, gosh. Whoever seems to be running it, who is
 14 serving liquor, if anybody is working security functions,
 15 checking IDs or allowing access, on that level.
 16 Q So the people who go there simply to patronize the blind
 17 pig as customers of the blind pig usually aren't engagers;
 18 is that right?
 19 A That I do not know.
 20 Q Then it says seizure of persons and evidence. Do you see
 21 that?
 22 A Yes.
 23 Q Is it your understanding that that would be the seizure of
 24 all persons in the facility?
 25 A Persons that were in -- I would imagine that had alcohol

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1 or drugs, what have you, yes, weapons.
 2 Q What about people who were standing around in the facility
 3 but did not have drugs, alcohol, or weapons?
 4 A I would not know.
 5 Q Has it been your experience, when you participate in a
 6 blind pig raid, that everyone in the building is seized or
 7 only the people who are either in possession of guns or
 8 drugs or engaging in the running of the blind pig?
 9 MR. ASHFORD: I'm going to object to form.
 10 THE WITNESS: I have never worked the undercover
 11 portion of that, nor have I ever worked vice in itself, so
 12 their operations and how they determine is, like I said,
 13 is not familiar to me.
 14 BY MR. KOROBKIN: --
 15 Q When you have been in a blind pig raid, have you ever seen
 16 the officers in charge of the raid simply let a lot of
 17 people go right away from the facility?
 18 A No.
 19 Q I'm sorry?
 20 A No, I have not.
 21 Q So everyone has to stay there?
 22 A Yes.
 23 Q Okay. And then what happens to them?
 24 A I guess the determination is made. They might, I guess --
 25 who is running the raid will confer with the undercover

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1 for identification and what have you like this, and the
 2 process would start from there as far as the ticketing
 3 process.
 4 Q And is it your experience that everyone gets ticketed?
 5 A I can't say that because of the fact of my position on
 6 raids, what have you, doesn't allow me to see everybody
 7 being ticketed or knowing if everybody got ticketed or not
 8 in my different facets of working TMU, special response
 9 team, because special response team's function is to
 10 secure the place. Once the place is secure, special
 11 response team leaves, and vice takes over.
 12 Q What about at TMU?
 13 A Support.
 14 Q So you observed a little bit of what's going on there?
 15 A It depends on where you're at in the process. You could
 16 be outside securing the perimeter. Like I said, as time
 17 goes on and you have those people, everybody is
 18 cooperating and what have you, like this, then you start
 19 taking steps to bring things down.
 20 Q You have never observed any of the other officers saying
 21 to some of the people who were there, "Okay. You can
 22 leave; we're not going to ticket you"?
 23 A I have never observed that.
 24 Q Has it also been your experience on blind pig raids that
 25 vehicles, cars are impounded?

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1 A Yes, I have seen that.
 2 Q What's your understanding of whose vehicle is impounded?
 3 A I have never made that determination as far as in relation
 4 to a blind pig.
 5 Q You have never made that determination to seize someone's
 6 vehicle?
 7 A No.
 8 Q Have you ever had an opportunity to draw any conclusion
 9 about whose vehicle at a blind pig would be seized or
 10 impounded?
 11 A I have been advised by other police personnel on whose
 12 vehicle, tell me what process they went through, depending
 13 on what process they went through.
 14 Q And what is that advice?
 15 A I would imagine if that person may be an engager or what
 16 have you.
 17 Q Has it been your experience that everyone who is at the
 18 blind pig who has a vehicle parked outside or nearby has
 19 that vehicle impounded?
 20 MR. ASHFORD: Objection as to form.
 21 THE WITNESS: I would not know.
 22 BY MR. KOROBKIN:
 23 Q Under "Prisoner Processing" --
 24 A Yes.
 25 Q -- number three says, "Photo of all engagers and

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12 (Pages 42 to 45)

Page 42

1 loiterers."
 2 A Okay.
 3 Q Have you seen that process take place, the photographing
 4 of everyone who is there?
 5 A I believe that's conducted by vice.
 6 Q Have you seen it take place while on a blind pig raid?
 7 A In the past, yes.
 8 Q When you go to a briefing before the blind pig raid, are
 9 you given anything written?
 10 A No.
 11 Q A search warrant is read to you, but you're not given a
 12 copy?
 13 A Right.
 14 Q Do you happen to know if the people leading the briefing
 15 have a written plan for the raid?
 16 A That I would not know, sir.
 17 Q It doesn't appear to you, during the briefing, that
 18 someone is reading a plan?
 19 A I'm not understanding "a plan," sir.
 20 Q So there's a search warrant?
 21 A Yes.
 22 Q That's been signed by a judge?
 23 A Yes.
 24 Q Now, you also said information includes where the nearest
 25 hospital is?

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1 A Yes, sir.
 2 Q So would someone be reading something when they said that,
 3 or was it just sort of verbally given out?
 4 A Verbally. It all depends on the correlation of where the
 5 location is.
 6 Q Now, you said you have seen these nine assignments?
 7 A Well, SRT does not have nine assignments, sir. I don't
 8 know what vice has, and TMU doesn't do raids.
 9 Q Doesn't participate in the blind pig raids?
 10 A Doesn't do -- We're not, as far as participation, yes, but
 11 we don't -- we're not in this lineup.
 12 Q Right. If you're at a briefing, the people who are in
 13 that lineup are there at the briefing, too, right?
 14 A Sometimes they may be, sometimes not. They may have had a
 15 briefing prior.
 16 Q Do you see assignments given out at the briefing to
 17 individual officers, "You do this. You do that. You do
 18 this"?
 19 A Yes, there are.
 20 Q And the person giving those assignments is the person
 21 leading the briefing?
 22 A No.
 23 Q Who is giving those assignments?
 24 A Usually, if you have a sergeant and you have four or five
 25 officers, six officers under you, you may say, "You're

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1 going to take the east corner. You take this corner. You
 2 secure this. You secure that," in that fashion.
 3 Q Are those assignments written down, or is it just off the
 4 top of someone's head?
 5 MR. ASHFORD: Objection as to form. Go ahead.
 6 THE WITNESS: When you look at a description of
 7 the location, where it's at, what streets it's on, the
 8 alleyway that may be there, closest residential area, that
 9 type of aspect, when you look at that, then you do your
 10 assignments. So that may be written on a chalkboard.
 11 BY MR. KOROBIKIN:
 12 Q Okay. So you have been at briefings where they write
 13 assignments on chalkboards?
 14 A No. Layout of the building, yes. I wouldn't say
 15 assignments.
 16 Q Okay. We have done enough talking about generalities with
 17 the blind pig raids. Let me bring you to the specific
 18 event on May 31st, 2008, when there was a raid of the
 19 Contemporary Art Institute of Detroit. Do you remember
 20 that event?
 21 A Parts, vaguely.
 22 Q Do you know who was the officer in charge of that raid?
 23 A I'm not for sure. I believe it was Lieutenant Yost.
 24 Q With vice squad?
 25 A Yes.

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1 Q And this was a vice squad raid; is that right?
 2 A Yes. I think they came to us for assistance.
 3 Q And the commander of the raid was also Lieutenant Yost?
 4 A That I do not know, sir. Go ahead.
 5 Q Yeah. So I have heard different terms, officer in charge
 6 and raid commander.
 7 A Yes.
 8 Q Are those two different terms to your knowledge?
 9 A No. They run parallel.
 10 Q They are sort of the same person?
 11 A Yes, from what I understand.
 12 Q And then was there a second in command during this raid to
 13 your knowledge?
 14 A That I do not know.
 15 Q The list of the nine assignments, do you know who was
 16 assigned any of those tasks in the raid at the CAID?
 17 A No, I do not. No, I do not, sir.
 18 Q By the way, when I say CAID, I mean the Contemporary Art
 19 Institute of Detroit.
 20 A CAID, yes, sir.
 21 Q Now let me have you think back to that particular night
 22 when you did the raid. How were the officers involved in
 23 the raid dressed?
 24 MR. ASHFORD: Objection as to form.
 25 THE WITNESS: Be more specific, sir.

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13 (Pages 46 to 49)

Page 46

1 BY MR. KOROBKIN:
 2 Q Okay. Well, who was the first team to go into the CAID?
 3 A I do not recall.
 4 Q Was SRT there that night?
 5 A If they were there, I did not physically see them.
 6 Q Because they were there before you got there?
 7 A Yeah. They would have done their thing.
 8 Q What about -- there were members of the vice squad at the
 9 raid that night?
 10 A Yes.
 11 Q About how many; do you know?
 12 A I do not recall.
 13 Q Were they dressed in police uniform?
 14 MR. ASHFORD: Objection as to form.
 15 THE WITNESS: Yes.
 16 BY MR. KOROBKIN:
 17 Q And can you describe that uniform?
 18 A Vice would wear -- I think it's either a vest or jumpsuit
 19 that had "Police" on it in the white letters. I remember
 20 the vests, similar to narcotics' outfit, which is a dark
 21 blue or -- yeah, blue uniform type or either -- Well, the
 22 UCs, of course, are in civilian clothes. Once the UCs
 23 have been brought out and cleared or what have you like
 24 this, then their badge.
 25 Q So they come back wearing their badge?

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1 A Yes. Yeah.
 2 Q Who were the UCs that night?
 3 A I have no idea, sir.
 4 Q Did you see any police officer that night with their face
 5 masked or covered up?
 6 A I did not, sir.
 7 Q So who were you taking direction from that night?
 8 A Basically, I was running my own crew from the tactical
 9 mobile aspect, sir.
 10 Q So you were providing direction to other officers in
 11 tactical mobile?
 12 A Yes.
 13 Q How many officers were under your command that night?
 14 A Perhaps six or seven that I can remember. Six, seven,
 15 maybe eight. There was another sergeant with me, a couple
 16 other sergeants with me, too, I believe, yes.
 17 Q Who were the other sergeants with you?
 18 A Sergeant Tony Potts, and I can't recall who any other
 19 sergeants were.
 20 Q Did you ever take direction from Lieutenant Yost or a
 21 member of the vice squad that night?
 22 A Can you be more clear? Take direction?
 23 Q Well, what was the relationship between you, who was
 24 running your own team --
 25 A Yes, sir.

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1 Q -- and either the vice squad or Lieutenant Yost?
 2 MR. ASHFORD: Objection as to form.
 3 THE WITNESS: When we had our briefing,
 4 basically vice will concentrate on vice efforts. If they
 5 should need any help as far as manpower or what have you,
 6 then the request would be made to a sergeant. In other
 7 words, they need two police officers inside, in other
 8 words, like this. I cannot recall if I received any
 9 specific orders from Lieutenant Yost on this night.
 10 BY MR. KOROBKIN:
 11 Q Did Lieutenant Yost lead the briefing before the raid?
 12 A I remember her speaking. I don't know if she led it.
 13 Q Did she or anyone else at the briefing mention whether
 14 people would be ticketed for loitering in a place of
 15 illegal occupation?
 16 MR. ASHFORD: Objection, asked and answered.
 17 THE WITNESS: I do not recall.
 18 BY MR. KOROBKIN:
 19 Q Did Lieutenant Yost or anyone else at the briefing mention
 20 whether vehicles would be seized, towed, or impounded?
 21 A Not that I know of.
 22 Q When you got to the CAID, had the raid already started?
 23 A Yes.
 24 Q Okay. What had been done? What had been accomplished in
 25 the raid by the time you got there?

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1 A I imagine all the people inside were secured and the vice
 2 and whatever element had already made entry.
 3 Q About how many other police officers were there before you
 4 got there?
 5 A I don't recall, sir.
 6 Q Where were you located during the raid that night? Were
 7 you indoors, outdoors?
 8 A Both.
 9 Q Both? Okay. When you first got there, did you go into
 10 the facility?
 11 A No.
 12 Q Where did you go?
 13 A I was on the side of the building.
 14 Q Outside?
 15 A Yes.
 16 Q Doing what?
 17 A Basically making sure my officers were in place. There
 18 was a lot of people I remember there that night. Some may
 19 have walked off. I'm not sure.
 20 Q And then at what point did you go into the building?
 21 A After I was there maybe fifteen or so minutes, fifteen,
 22 twenty minutes.
 23 Q What did you see when you got inside the building?
 24 A I just went to the entryway of the building where they
 25 were bringing people out, make sure my officers that were

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14 (Pages 50 to 53)

Page 50

1 posted at the door were okay.
 2 Q What do you mean "bringing people out"?
 3 A People that had been ticketed.
 4 Q So they had already started the processing of people --
 5 A Yes.
 6 Q -- and those people were on their way out?
 7 A Yes.
 8 Q In this raid, do you know if everyone inside was ticketed?
 9 A I do not.
 10 Q And in this raid, do you know whether everyone who was
 11 inside who had operated a car to get there that evening
 12 had their car impounded or towed?
 13 A That I do not know.
 14 Q Did you see any photographs being taken of the individual
 15 engagers or loiterers that evening at the CAID?
 16 A No, I did not.
 17 Q I assume you did not have need to draw your weapon that
 18 night?
 19 A No.
 20 Q Do you know if anyone on your team drew their weapon that
 21 night?
 22 A No.
 23 Q By no, do you mean you don't know?
 24 A I don't know.
 25 Q Or they did not do that?

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1 A I do not know.
 2 Q When you went to the briefing, about how many officers
 3 were there?
 4 A I don't know a number, sir.
 5 Q Can you make any sort of estimate?
 6 A No.
 7 Q How about at the raid itself?
 8 A I do not know the number of officers that were there.
 9 Q The warrant was read at the briefing, correct?
 10 A The warrant?
 11 Q Yeah, the warrant.
 12 A The search warrant? Yes.
 13 Q The search warrant, was it read at the briefing?
 14 A Yes.
 15 Q To your recollection, did that search warrant include
 16 authorization to seize or detain everyone inside the
 17 premises?
 18 A I do not recall.
 19 Q Once you went into the CAID, was part of your job to
 20 prevent people from leaving?
 21 A No.
 22 Q What was your job?
 23 A Supervisor, looking after my people.
 24 Q Was part of the job of the people you were looking after
 25 to prevent people from leaving the CAID?

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1 A No.
 2 Q What was their job?
 3 A To monitor people inside.
 4 Q And what does monitoring the people entail?
 5 A Basically, once people have been secured, making sure they
 6 wait until whatever vice is going to do and then making
 7 sure, when they leave, they leave out and they clear the
 8 building instead of gathering in front of the building.
 9 Q So if someone at the CAID had just sort of stood up and
 10 started to walk outside, would one of your officers stop
 11 them?
 12 MR. ASHFORD: Objection as to form and
 13 foundation.
 14 THE WITNESS: I would have no idea, sir.
 15 BY MR. KOROBIKIN:
 16 Q To your knowledge, were people at the CAID free to leave
 17 before they had been ticketed?
 18 A I have no -- I don't know.
 19 Q I guess -- and I'm just trying to be as straight with you
 20 as I can. I'm confused about the monitoring role, what
 21 that entailed. Were they just supposed to report back to
 22 vice squad what they saw?
 23 A No. Basically, when I say monitoring, police officers,
 24 they're stationary. They're standing there. They're
 25 posted at a certain post, what have you. And the person

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1 gets ticketed. The person is coming out. Okay? We make
 2 sure nobody else is passing anything on to that person so
 3 ~~they're not caught with anything, or in case we missed~~
 4 something, for that person to take it out with them.
 5 Q By the time you got there, had everyone been patted down?
 6 A That I do not know, sir.
 7 Q Did you do any patting down of people who were there?
 8 A No, I did not.
 9 Q Did you observe anyone being patted down by other
 10 officers?
 11 A No, I did not.
 12 Q So if that took place, it probably took place before you
 13 got inside?
 14 MR. ASHFORD: Objection, calls for speculation.
 15 THE WITNESS: I'll speculate yes.
 16 BY MR. KOROBIKIN:
 17 Q When you were there, did you observe any disruptions or
 18 altercations or physical interactions between police
 19 officers and the people who were at the CAID?
 20 MR. ASHFORD: Objection as to form.
 21 THE WITNESS: No, I did not.
 22 BY MR. KOROBIKIN:
 23 Q Did you observe anyone at the CAID complaining about what
 24 was going on, what was happening to them?
 25 A Be more specific, sir. Are we inside, or are we outside?

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15 (Pages 54 to 57)

Page 54

1 Q Well, let's start with inside.
 2 A No, sir.
 3 Q And outside?
 4 A There were some people that were gathering, crowds that
 5 were gathering.
 6 Q And are these crowds of people who had already been
 7 ticketed and left?
 8 A As far as I know, they were already outside.
 9 Q They had been inside, and they had come out?
 10 A They were outside.
 11 Q They were never in?
 12 A As far as I know, yes, sir.
 13 Q And what were they doing as they were gathering? Were
 14 they just sort of on-lookers?
 15 A Some were intoxicated, some were obscenities against the
 16 police. They were saying some of everything, I mean, you
 17 know, cursing, you know.
 18 Q Did anyone from the police department address those
 19 concerns or respond in any particular way?
 20 A No. I just asked them would they please move along.
 21 Q And did they do so?
 22 A Not really.
 23 Q Did you take any further action?
 24 A No, sir. Just I had officers watch them to make sure they
 25 didn't throw any rocks or anything at us.

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1 Q When you were at the briefing, did anyone say anything
 2 that would lead you to believe there would be violence
 3 directed toward you at the CAID? Not you in particular
 4 but at police officers.
 5 A No, not that I can recall.
 6 Q When you got in there, did you see any officers, other
 7 than those under your command, with their service weapons
 8 drawn?
 9 A No, I did not.
 10 Q Am I correct that SRT uses shotgun or rifle style weapons
 11 when they enter a facility for a blind pig raid?
 12 A It's their option.
 13 MR. ASHFORD: Objection to form.
 14 BY MR. KOROBIKIN:
 15 Q When you were with SRT, did you do so?
 16 A Your question more specifically? I'm sorry, sir.
 17 Q When you were with SRT and you did a blind pig raid, what
 18 kind of weapon did you bring with you?
 19 A SRT always carries a cache of weapons, various weapons.
 20 It depends on the circumstances.
 21 Q Did you ever go to a blind pig raid using a shotgun or
 22 rifle style?
 23 A Yes.
 24 Q And did you ever go to a blind pig raid not using a
 25 shotgun or rifle style weapon?

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1 A Yes.
 2 Q And on those occasions -- and I'm speaking when you were
 3 with SRT now. On those occasions when you went to a blind
 4 pig raid and you did not carry a shotgun or rifle style
 5 weapon, what kind of weapon, if any, did you carry?
 6 A My service weapon, my service pistol.
 7 Q And did you have that pistol drawn?
 8 A It's called a low ready.
 9 Q Can you describe a low ready?
 10 A It's down below your waist and held with both hands so you
 11 can get a shooting platform in case a threat does engage
 12 you. So it's pointed down -- the weapon is pointed down
 13 towards the ground.
 14 Q You said in case a threat does engage you?
 15 A Yes.
 16 Q Would that be someone else with a weapon?
 17 A Yes.
 18 Q What about -- and I'm speaking now when you were with SRT
 19 and you did a blind pig raid and you came in at low ready,
 20 you or other officers with you would order people in the
 21 facility to get down on the ground; isn't that right?
 22 A Yes, sir.
 23 Q Is the fact that someone didn't instantly get down on the
 24 ground a challenge such that you would go from a low ready
 25 to pointing your weapon at a person?

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1 A Be more specific, sir. Getting down?
 2 Q So I understand you would go in, and you would tell
 3 everyone there, "Get down on the ground"?
 4 A Yes.
 5 Q I would imagine that some people instantly get down on the
 6 ground?
 7 A Yes.
 8 Q And others, they might look a little bewildered --
 9 A Okay.
 10 Q -- and not get down on the ground right away?
 11 A Right.
 12 Q Would that be an accurate description of what happens?
 13 A Yes. It can happen, yes.
 14 Q And if someone does look a little bewildered or not get
 15 down on the ground right away, would that justify raising
 16 your weapon from a low ready to pointing your weapon at
 17 that person?
 18 A No, because you're looking --
 19 MR. ASHFORD: Objection as to form.
 20 THE WITNESS: You're looking at them as a whole
 21 picture. Hands shoot weapons. Hands are empty, so,
 22 therefore, you know, that person may be deaf or have a
 23 disability or something like that, so basically you're not
 24 forcing them down.
 25 BY MR. KOROBIKIN:

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16 (Pages 58 to 61)

Page 58

1 Q So it would take something beyond just standing there
2 looking confused --
3 A Yes.
4 Q -- to make you engage from a low ready to some other more
5 aggressive stance?
6 A Yes, hands in pockets, hands behind your back, you know,
7 running to a fixed object.
8 Q A fixed object that might be --
9 A A pole, get something between you and the officer.
10 Q Okay. What are the other types of positions with your
11 service weapon drawn other than low ready?
12 A The other types? I guess when you bring it up.
13 Q Now, when you bring it up, is there a difference between
14 bringing it up and pointing it at a particular person
15 versus just bringing it up and having it higher than a low
16 ready?
17 MR. ASHFORD: Objection to the form.
18 THE WITNESS: Sir, you're asking me is there a
19 difference between --
20 BY MR. KOROBKIN:
21 Q I mean, you have characterized low ready as a particular
22 type of stance.
23 A Yes, sir. Yes.
24 Q Have you been trained in other types of stances besides
25 low ready?

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1 A No.
2 Q So there's sort of low ready versus pointing your gun at
3 someone who is being aggressive --
4 A Yes.
5 Q -- or something like that?
6 A Yes, sir.
7 Q Those are sort of the two options?
8 A Yes.
9 Q And have you been trained not to point your gun at someone
10 unless they present a threat or challenge to you?
11 A I do not understand the question.
12 Q You said that when you were in SRT and you went on a blind
13 pig raid --
14 A Yes.
15 Q -- you entered at low ready?
16 A Yes.
17 Q Did everyone else on your team also enter at low ready?
18 A Yes.
19 Q Did you believe it was within your discretion to enter the
20 facility pointing a weapon at the people inside?
21 MR. ASHFORD: Objection as to form.
22 THE WITNESS: That's what each officer would
23 perceive at the time. If I miss a threat, somebody else
24 may pick up one. I'm not sure, like I said, sir.
25 BY MR. KOROBKIN:

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1 Q But it would take a threat in order to raise your weapon?
2 A Yes, sir.
3 Q And do you understand that as how you have been trained or
4 simply how you prefer to conduct yourself?
5 MR. ASHFORD: Objection as to form.
6 THE WITNESS: Both I would say, sir, for me.
7 BY MR. KOROBKIN:
8 Q Did you ever have a command position within SRT?
9 A No.
10 Q You do have a command position currently?
11 MR. ASHFORD: Objection to form.
12 THE WITNESS: I'm a supervisor.
13 BY MR. KOROBKIN:
14 Q You're a supervisor?
15 A Yes, sir.
16 Q If you observed one of your officers pointing a weapon
17 without there being a threat present, would you discipline
18 or counsel that officer?
19 A Afterwards, yes, sir.
20 Q And what would you tell that officer?
21 MR. ASHFORD: Objection. Strike that objection.
22 Go ahead. Go ahead and answer.
23 THE WITNESS: There's a form, basically,
24 acquiring of a target.
25 BY MR. KOROBKIN:

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1 Q I'm sorry?
2 A Acquiring of a target, yes, and basically --
3 Q What do you mean by a form? I'm sorry.
4 A Well, we have to write it out.
5 Q You write it out?
6 A Yeah, basically, the circumstances, what have you. You're
7 not supposed to point your weapon. You know, you
8 perceive. Then we get into what that officer perceived,
9 and would I have seen it at the same time he had seen it,
10 so it's --
11 Q But if the officer just said, "I didn't perceive anything
12 in particular," I was just, you know --
13 A If he made those statements, then, yes, it would be
14 disciplinary.
15 Q How long were you at the CAID that night?
16 A I do not recall.
17 Q By the time you left, was pretty much the whole operation
18 complete?
19 A Yes.
20 Q So everyone who had been inside the CAID had left?
21 A I was in a position outside, again, sir. I do not -- I
22 can't account for who was left inside the building.
23 Q Okay. I apologize if we have already cleared this up, but
24 can you tell me how much of the time were you inside the
25 CAID versus outside? Were you going back and forth?

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17 (Pages 62 to 65)

Page 62

1 A Going back and forth, sir.
 2 Q And the purpose of your going back and forth?
 3 A To check on my people, making sure that, like I said, the
 4 people who were ticketed were coming out, so that was in
 5 that hallway or however -- the entryway.
 6 Q When you were inside, did you see the patrons kneeling on
 7 the ground, sitting on the ground, waiting around?
 8 A I saw sitting. A couple were standing.
 9 Q Did you see officers instruct the patrons as to whether
 10 they should be sitting, standing, or kneeling?
 11 A That I did not.
 12 Q Did you see anyone who had been handcuffed that night?
 13 A No, I did not.
 14 MR. KOROBKIN: I'll ask the court reporter to
 15 mark Exhibit 4.
 16 (WHEREUPON, Deposition Exhibit 4
 17 was marked for identification.)
 18 BY MR. KOROBKIN:
 19 Q Sergeant McWhorter, this is your activity log from the
 20 night of the raid; is that right?
 21 A Yes.
 22 Q In the middle of the front page it says "Recap of
 23 Activity." Do you see that?
 24 A Yes.
 25 Q How come there's nothing checked there?

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1 A That I do not recall, sir.
 2 Q Is it your general practice, when you go on a raid, to
 3 record the activity on your activity log that you engage
 4 in at the raid?
 5 A Yes, by written form, yes, sir.
 6 Q So this is a little bit of an anomaly that it's not
 7 recorded here?
 8 A You're asking me why the recap of activity?
 9 Q For example, if you look on the left-hand side, there's
 10 something called "Ordinance Complaints"?
 11 A Yes, sir.
 12 Q Would that refer to writing out a ticket for violation of
 13 an ordinance?
 14 A Yes, sir.
 15 Q And would you normally record that on the "Recap of
 16 Activity" area on your activity log if, during your shift,
 17 you wrote out such an ordinance ticket?
 18 A Yeah. I mean, it could have been missed.
 19 Q On the second page, on the back, there's a column for
 20 "Stop" and "Frisk"?
 21 A Mm-hmm.
 22 Q If there is nothing written there, does that mean you
 23 didn't stop or frisk anybody at the raid?
 24 A Yes.
 25 Q That's what it means?

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1 A No frisk, yeah.
 2 Q So if you had been at the raid and you had frisked
 3 somebody, you would have attempted to record that on your
 4 log?
 5 A Yes.
 6 Q Does looking at this log refresh your memory as to how
 7 long you were at the CAID?
 8 A Approximately the off-duty time, let's see. Four hours.
 9 Q By the way, why do you record how many stops or frisks or
 10 ordinance citations or vehicle impoundments you do on the
 11 log?
 12 A You said why?
 13 Q Yeah.
 14 A So you can have an account of what you have done.
 15 Q And why is that important?
 16 A For a record.
 17 Q Including perhaps testifying in court later on?
 18 A Yes. I imagine, yes.
 19 Q So if you write out a misdemeanor ticket, you know at the
 20 time you're writing it out that you may be asked to
 21 testify about that later on --
 22 A Yes.
 23 Q -- in court?
 24 And for that reason, would you write in your log
 25 the name of the person that you ticketed and what the

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1 circumstances were?
 2 A Yes. Yes.
 3 Q Is there any other document other than this log that you
 4 use to record your activities at the CAID raid that night?
 5 A There could be what vice had. I'm not sure.
 6 Q But in terms of what you wrote --
 7 A Right.
 8 Q -- this is it?
 9 A Yes.
 10 Q As you sit here today, do you remember writing any tickets
 11 at the CAID raid?
 12 A Process, I think I signed a couple.
 13 Q Is that different from writing the tickets?
 14 A Doing the processing?
 15 Q Yeah.
 16 A Yes. It would be what was written out and then I signed.
 17 Q So someone else would write up the ticket, and you would
 18 sign it?
 19 A Yes.
 20 Q And in what sense is that different from when you normally
 21 write out an ordinance ticket?
 22 A I don't understand, sir.
 23 Q Well, by signing a ticket, aren't you saying that you
 24 observed the illegal activity that you're charging the
 25 person with?

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18 (Pages 66 to 69)

Page 66

1 A That or my officers, yes.
 2 Q It could have been one of your officers who observed it?
 3 A Could have been, yes.
 4 Q And then you're signing your name because why? You're
 5 relying on the information you got from your officers?
 6 A Yes.
 7 Q And if that were the case, would you not make a record of
 8 that in your activity log?
 9 A Yes, I could.
 10 Q But you feel like it's at your discretion; you also might
 11 not?
 12 A I may not, yes. As I see, I have raid processing for
 13 those hours.
 14 Q Why would you sign a ticket rather than whoever observed
 15 the person doing the illegal activity sign the ticket?
 16 MR. ASHFORD: Objection, no foundation.
 17 THE WITNESS: I do not know, sir.
 18 BY MR. KOROBIKIN:
 19 Q Okay. After you sign an ordinance ticket, there are
 20 several copies of the ticket; is that right?
 21 A Yes. Right.
 22 Q One of them goes to the defendant, the person who is
 23 accused of violating the ordinance?
 24 A Yes.
 25 Q What happens to the other copies?

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1 A Usually they're kept. They're recorded and turned in.
 2 Q Now, at a vice raid, if you write the ticket, do you keep
 3 a copy?
 4 A I believe vice had the tickets, sir.
 5 Q And then also one of the copies of the tickets goes to the
 6 court?
 7 A Yes, sir.
 8 Q On its way to the court, do you happen to know whether it
 9 passes through a prosecutor?
 10 A I believe it should, sir, yes.
 11 Q Even an ordinance ticket?
 12 A Yes.
 13 Q And then what is the prosecutor's role?
 14 A Basically, I guess to make sure the ticket is valid.
 15 Q How do they determine that? Have you ever been contacted
 16 -- do you get contacted by the prosecutor every time you
 17 write a ticket?
 18 A No, I have not.
 19 Q Have you ever been contacted by the prosecutor after you
 20 have written an ordinance ticket?
 21 A No, I have not.
 22 Q When you write the ordinance ticket, a notice to appear in
 23 court is then generated for the defendant; is that right?
 24 A Yes.
 25 Q You don't set the date and time for the hearing?

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1 A On some ords, I believe you do, yes.
 2 Q What about loitering in a place of illegal occupation?
 3 A I'm not sure. I mean, they have it twenty-one days from
 4 the court (sic) or what have you like this, you know, from
 5 the court (sic) date that you have to appear.
 6 Q Twenty-one days from what?
 7 A The court date -- from the date -- I mean date of issuance
 8 that you have to appear.
 9 Q Is there any way to get out of appearing in court once you
 10 get an ordinance ticket?
 11 A Get out of appearing?
 12 Q Mm-hmm.
 13 A I mean, if it's for an equipment violation or whatever, if
 14 you show that you've got certain tickets, and you show
 15 that you have corrected the problem or what have you, yes.
 16 Q For loitering in a place of illegal occupation?
 17 A I have no idea.
 18 MR. KOROBIKIN: I'll take these back. I'll ask
 19 the court reporter to mark Exhibit 5.
 20 (WHEREUPON, Deposition Exhibit 5
 21 was marked for identification.)
 22 BY MR. KOROBIKIN:
 23 Q I believe you have seen this, Sergeant McWhorter, but it's
 24 a Detroit Police Department Crime Report, Report Number
 25 0805310096.1.

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1 A Mm-hmm.
 2 Q Can you identify this document?
 3 A Better known as a CRISNET report.
 4 Q Did you have any part in writing this document?
 5 A No, I did not.
 6 Q And this is the CRISNET report for the CAID raid; is that
 7 right?
 8 A Yes, 5141 Rosa Parks.
 9 Q So if you would turn to page 3 and look way down at the
 10 bottom, it says Defendant 58, Robert Anthony Moglia?
 11 A Yes.
 12 Q Your name is on that entry?
 13 A Yes, sir.
 14 Q So what does that mean that your name is there?
 15 A It means that I signed the ticket.
 16 Q Do you remember Mr. Moglia?
 17 A No, I do not.
 18 Q So what did you observe Mr. Moglia doing that authorized
 19 you to sign the ticket for loitering in a place of illegal
 20 occupation?
 21 A I don't know what point in time the ticket would have been
 22 written, but my officers would have made the observation
 23 or an officer that was involved in the raid would have
 24 made the observation.
 25 Q So you did not observe whatever conduct was the basis for

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19 (Pages 70 to 73)

Page 70

1 this charge?
 2 A I don't recall. Yeah.
 3 Q And what did one of your officers tell you was the basis
 4 for the charge?
 5 A Well, when you look at the ticket, you read the ticket,
 6 and you see.
 7 Q To your knowledge, did this person do anything other than
 8 -- To your knowledge, was this person doing anything other
 9 than standing around at the CAID during the raid?
 10 A That I do not know.
 11 MR. ASHFORD: Objection to the form.
 12 BY MR. KOROBKIN:
 13 Q Next page, on page 4, Defendant 73, it's a little more
 14 than halfway down.
 15 A Yes.
 16 Q James Washington.
 17 A Yes.
 18 Q Do you remember James Washington?
 19 A No, I do not.
 20 Q Okay. And, again, this line means you signed the ticket,
 21 right?
 22 A Yes. That's what I believe, yes.
 23 Q And it doesn't mean that you necessarily saw the activity
 24 that would have led to him being ticketed?
 25 A Correct, sir.

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1 Q If Mr. Washington had gone to court to challenge this
 2 ticket, would you have been called to testify?
 3 A Probably myself and the officer.
 4 Q Who would that officer have been?
 5 A I don't know at this time, sir.
 6 Q Would there have been a way to figure that out at the
 7 time --
 8 A Yes.
 9 Q -- who the officer would have been?
 10 A Yes.
 11 Q How would that --
 12 A I guess whoever was handling vice processing at the time
 13 or if it was one of my officers.
 14 Q So if it was one of your officers, he or she was supposed
 15 to keep a record of the fact that he or she saw James
 16 Washington --
 17 A Yes. They may have, yes.
 18 Q And other than you signing the ticket, is there any other
 19 basis that you know of why James Washington was charged
 20 with this offense?
 21 MR. ASHFORD: Objection as to form.
 22 THE WITNESS: That I do not, sir.
 23 BY MR. KOROBKIN:
 24 Q And do you recall observing him involved in any other
 25 illegal activity besides loitering in a place of illegal

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1 occupation?
 2 A No.
 3 Q Did you observe anyone at the CAID involved in illegal
 4 activity?
 5 A More specific, sir, please.
 6 Q Did you see anyone who you knew to be under the age of
 7 twenty-one in possession of alcohol?
 8 A That, I mean, there was a lot of people there, sir, so
 9 determining age --
 10 Q Personal observation?
 11 A I do not recall.
 12 Q And were drugs being openly used?
 13 A The smell of drugs were there.
 14 Q You could smell them when you were there?
 15 A Yes.
 16 Q What could you smell?
 17 A Marijuana.
 18 Q Any other illegal activity that you observed while you
 19 were there?
 20 A No. Except for public drunkenness, intoxication.
 21 Q Public drunkenness, do you mean when they were outside on
 22 the street?
 23 A Well, we had both, inside and outside.
 24 Q If you're inside a building and you're drunk, is that
 25 illegal?

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1 A I guess it would be only if they are serving -- if they
 2 don't have a liquor license to serve alcohol, but then
 3 again, like I say, I wasn't privy to that insight.
 4 Q Well, if you're not -- How about the person who is not the
 5 one serving alcohol, the person who is just --
 6 A Buying it?
 7 Q Well, intoxicated. Is being intoxicated but not on the
 8 street, is that illegal?
 9 A I'm not --
 10 Q Being publicly intoxicated, you mentioned that.
 11 A I said inside and outside, yes. There were intoxicated
 12 people inside and outside when I got there.
 13 Q Right.
 14 A They were already, you know, they were separated by the
 15 building, those that were inside the building, those that
 16 were outside the building. That was probably part of that
 17 crowd I mentioned before that were -- We had them across
 18 the street, you know. Please move on. They refused to
 19 move. That, yes.
 20 Q Now, the people who were inside the building and they were
 21 intoxicated, is that by itself a crime to be intoxicated
 22 inside a building?
 23 A I did not observe them, you know, purchasing or drinking
 24 or what have you like this. I have no idea if that's a
 25 crime or not if that's what you're saying.

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20 (Pages 74 to 77)

Page 74

1 Q The tickets that you signed that night, you didn't keep a
2 copy yourself, is that right?
3 A No, I did not.
4 Q Where did they go, vice squad?
5 A Vice squad, yes.
6 MR. KOROBKIN: I'll just say for the record that
7 we don't have copies of these tickets, and we have
8 requested them.
9 BY MR. KOROBKIN:
10 Q How is it decided that you would sign the ticket for James
11 Washington?
12 A Basically, I'm asked to review it. I'm asked, basically.
13 Q By who?
14 A By one of the processing officers.
15 Q And would that processing officer be someone from the vice
16 squad?
17 A Could be vice, could be my own guys. It all depends on
18 however they are using them. Like I said, if they need
19 extra manpower at the table or what have you, then I would
20 send maybe one or two officers. Whatever they needed I
21 would send to help them out.
22 Q In order to sign James Washington's ticket, did you have
23 to see James Washington. Was he there when you signed the
24 ticket?
25 MR. ASHFORD: Objection to the form.

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1 THE WITNESS: Yes.
2 BY MR. KOROBKIN:
3 Q Did you hand him the ticket personally?
4 A No, I did not.
5 Q You handed it back to a --
6 A Processing officer.
7 Q -- processing officer?
8 A Yes.
9 Q Who, again, could have been someone from the vice squad
10 but may have been someone from another unit?
11 A Yes.
12 Q And then presumably that person handed James Washington
13 the ticket?
14 A Yes. And then sent him out.
15 Q So it's possible that you actually never saw James
16 Washington that night?
17 MR. ASHFORD: Objection, speculation.
18 THE WITNESS: It's possible.
19 BY MR. KOROBKIN:
20 Q It wouldn't be inconsistent with having signed the ticket
21 that you never actually saw him?
22 MR. ASHFORD: Objection to the form.
23 THE WITNESS: You lost me again.
24 BY MR. KOROBKIN:
25 Q Yeah. That wasn't a very good question.

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1 The fact that you signed a ticket doesn't cause
2 you necessarily to think, "Oh, I must have seen James
3 Washington that night"?
4 A In that situation, you mean see him committing whatever he
5 was ticketed for?
6 Q Or seeing him, that you laid eyes on him at all.
7 MR. ASHFORD: Objection to the form.
8 THE WITNESS: Okay. Again, I gave the ticket
9 back to the processing officer. They made sure he got the
10 ticket.
11 BY MR. KOROBKIN:
12 Q Right.
13 A When he was coming out, you know --
14 Q But you didn't meet him?
15 A No.
16 Q Okay. Thanks. I think I'm done with this exhibit.
17 Let me ask the court reporter to mark as Exhibit
18 6 this DPD Follow-Up Report. Have you seen this document?
19 A Yes, sir.
20 (WHEREUPON, Deposition Exhibit 6
21 was marked for identification.)
22 MR. KOROBKIN: Now, Jerry, do you need a copy?
23 MR. ASHFORD: No.
24 BY MR. KOROBKIN:
25 Q So this document basically is about the impoundment of

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1 vehicles; isn't that right?
2 A Yes.
3 Q At a blind pig raid, when a vehicle is impounded, the
4 person who is operating that vehicle that night is given
5 some sort of written notice; isn't that correct?
6 A I believe so, sir.
7 Q Did you sign any notice of impoundment forms or similar
8 type forms at the CAID raid?
9 A I believe I did one.
10 Q You did one?
11 A Yes.
12 Q Let me ask you to look at line VEU66.
13 A Yes.
14 Q Which is on page 2.
15 A Yes.
16 Q No. It's on page 3.
17 A Yes.
18 Q Is that the one you signed?
19 A Yes.
20 Q Are you familiar with something called a tow card or an
21 impound card?
22 A Yes.
23 Q Is that different than the notice that you give to the
24 person whose car is being taken?
25 A Yes.

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21 (Pages 78 to 81)

Page 78

1 Q Can you describe the difference?

2 A The tow card is a three-by-five, three-by-seven card,

3 basically just has all the information of the owner, the

4 vehicle, and the contents.

5 Q And what happens with the tow card?

6 A A copy is given to the tow truck operator.

7 Q And you keep a copy for yourself?

8 A Yes. In this case we would have --

9 MR. ASHFORD: Objection as to form.

10 THE WITNESS: We would have turned it over to

11 vice.

12 BY MR. KOROBKIN:

13 Q Does the same officer who writes the notice of impoundment

14 that is given to the operator of the vehicle also write

15 the tow card?

16 A He can. It doesn't have to be.

17 Q Doesn't have to be? Okay.

18 And with the notice of impoundment form, you say

19 you signed one of those, right?

20 A Yes.

21 Q What happens to those? Also turned over to vice?

22 A Oh, no. I can't recall whether I signed a notice of

23 impoundment. For this particular person?

24 Q Yeah.

25 A Yeah. I can't recall whether I did or not.

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1 Q Okay. What was it that you were recalling just now?

2 A Tow card.

3 Q A tow card?

4 A Yeah, tow card.

5 Q And you're pretty sure you did fill out one of those?

6 A Yes.

7 Q And are you pretty sure it was for this individual or --

8 A Yes. He was ticketed, I believe.

9 Q When you say he was ticketed --

10 A For loitering.

11 Q Right.

12 A Yes.

13 Q If you had filled out his loitering ticket, would you have

14 also filled out the tow card?

15 A I would have been asked.

16 Q Yeah.

17 A Perhaps, yes.

18 Q To your knowledge, was everyone who was ticketed for

19 loitering in a place of illegal occupation, if that person

20 operated a vehicle that night and had it parked near the

21 CAID, that person's vehicle is also towed?

22 A That I do not know.

23 Q For Jason Wysocki, who is the person listed on line 66 --

24 A Yes, sir.

25 Q -- what authorized, what justified towing his car?

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1 A I do not recall where his vehicle was parked at, if it was

2 in a no parking zone or what have you. I do not recall.

3 Q As the officer who signs the tow card, is it your

4 responsibility to make an inquiry as to whether it's

5 justified to tow that car?

6 A Yes. I do not recall. Like I say, he could have been

7 parked in a no towing zone -- I mean a no parking zone.

8 Q Right.

9 A He could have been in the fire lane. I can't recall

10 whether he was or not.

11 Q I know you can't remember this specific incident. If you

12 were asked to fill out a tow card --

13 A Yes.

14 Q -- do you just fill it out, or at the time you're filling

15 out the tow card do you know why that person's car is

16 being towed?

17 A Yeah. You probably do, yes.

18 Q You do know why?

19 A Yes.

20 Q It's just that you can't, as you sit here today, remember

21 why this particular person's car was being towed?

22 A Yes, sir. Yes, sir.

23 Q Is there any recording, written recording made of what

24 that reason was? Is it on the tow card?

25 A Why is it being held?

Page 81

1 Q Yeah. Why is it being towed?

2 A I'm not sure. There's a check box on there, but I can't

3 recall exactly what it says.

4 Q Is there someone other than you who authorized the towing

5 of this car?

6 A Yes, it would be.

7 Q Who was that?

8 A That would probably be vice.

9 Q Would that have been Lieutenant Yost?

10 A Or a sergeant.

11 Q Or a sergeant?

12 A Or a sergeant.

13 Q Could an officer authorize the towing of a car, or would

14 it have been a sergeant or a lieutenant?

15 MR. ASHFORD: Objection as to form.

16 THE WITNESS: In that situation, sir, it would

17 have been -- like I said, if he was parked in a fire lane,

18 you know, if an officer did discover that, then he could

19 very well tow the car. He doesn't have to wait for a

20 sergeant just as long as he has valid authorization -- I

21 mean a valid reason to do such.

22 BY MR. KOROBKIN:

23 Q But as far as you know, there was no decision made by

24 someone in vice, "Okay. We're going to tow all of these

25 people's cars"?

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22 (Pages 82 to 85)

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1 A No, that I do not know.
 2 Q How about the tickets that you -- The ticket that you
 3 signed for loitering in a place of illegal occupation --
 4 A Yes.
 5 Q -- did someone other than you authorize that ticket to be
 6 written?
 7 A There is a sergeant at that processing table that should
 8 be monitoring activity of that processing to make sure,
 9 you know, the people getting ticketed should be ticketed,
 10 that type of thing.
 11 Q And who was it that night?
 12 A I don't know. I really don't.
 13 Q It was not Lieutenant Yost?
 14 A That I don't know, sir. I don't know their places. In
 15 correlation to where I would have been, even when I
 16 stepped inside, that processing table could have been at
 17 the other end of the building.
 18 Q But by "it would have been a sergeant," you mean a
 19 sergeant or a lieutenant but probably not an officer?
 20 A Right. Exactly.
 21 MR. KOROBIKIN: And I would just add for the
 22 record, just as we haven't received the copies of the
 23 loitering tickets that were given back to vice, we haven't
 24 received copies of either the tow cards or the notices of
 25 impoundment that were given that may have been given back

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1 to vice.
 2 BY MR. KOROBIKIN:
 3 Q What is the connection between loitering in a place of
 4 illegal occupation and impounding the vehicles of the
 5 people who were there?
 6 A You said what is the connection?
 7 Q Yes.
 8 A I guess if their vehicle was discovered that it was parked
 9 in the alleyway, if it was parked in a place it shouldn't
 10 have been parked. I'm not sure of the whole circumstance,
 11 sir. Vice would -- Like I said, that would be a vice
 12 issue.
 13 Q If the car were not illegally parked but was parked in a
 14 legal spot on the street or in a parking lot --
 15 A Okay.
 16 Q -- you would not expect that car to be towed?
 17 A Me personally? My opinion? I don't see why it would be
 18 towed, sir.
 19 Q Okay. But if you did write a tow card that night,
 20 presumably you knew why that car was being towed?
 21 A Yes, sir.
 22 Q And you believe that it was being towed for a reason other
 23 than simply the person drove it there?
 24 A Yes.
 25 Q But you just don't have any memory of what that reason

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1 was?
 2 A No, sir. When I got there, cars were parked everywhere,
 3 on the grass, in the street, in the alley. I mean,
 4 wherever a place could be to park, people were parked. So
 5 we had double rows of cars, that I do remember, on the
 6 grass, fire hydrant, lining both sides of the street.
 7 Q Do you know what a person has to do to get their car back
 8 after it's towed at a blind pig raid?
 9 A Probably locate the tow company and pay whatever fine
 10 there was, and that would be it.
 11 Q Do you know of any theory under which the City or the
 12 County claims to now own the car through a forfeiture
 13 proceeding as a result of being towed at a blind pig?
 14 MR. ASHFORD: Objection as to form.
 15 THE WITNESS: That I don't know.
 16 BY MR. KOROBIKIN:
 17 Q You're familiar with forfeiture, the concept?
 18 A Yes, under certain circumstances, dealing with
 19 prostitution, yes, that type of thing, but I don't know
 20 about a blind pig.
 21 Q Operation Push-Off, is that still something that the
 22 police department does?
 23 A I haven't heard that term in a while.
 24 Q But that was a forfeiture-type situation, right? You
 25 don't know?

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1 A Yeah.
 2 Q But as far as you know, at the CAID, that's not what was
 3 going on with the cars?
 4 A Not that I knew of, sir.
 5 Q And do you know how much someone would have to pay to get
 6 their car back?
 7 A No, sir.
 8 Q Okay. Do you have any idea, when they do pay, where the
 9 money goes, who gets it?
 10 A I do not know, sir.
 11 Q On the blind pig raids that you have been on, have you
 12 ever heard any comments or remarks by other officers
 13 regarding -- Sorry. Have you ever heard any remarks or
 14 comments by officers along the lines of, "We got a lot of
 15 cars today," commending other officers for having had a
 16 lot of cars impounded or towed?
 17 A No, sir.
 18 Q So it hasn't been your experience that officers are
 19 encouraged to tow as many cars as they possibly can?
 20 A Not at a unit that I've been at, sir.
 21 MR. KOROBIKIN: Okay. I think I can take this
 22 back. I'm going to ask the court reporter to mark Exhibit
 23 7.
 24 (WHEREUPON, Deposition Exhibit 7
 25 was marked for identification.)

Gregory McWhorter, Sgt.

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23 (Pages 86 to 89)

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1 BY MR. KOROBKIN:
 2 Q I'm handing you something that's going to take you back in
 3 time a little bit. It's called "Confirmation Report on
 4 Probationary Police Officer."
 5 A Okay.
 6 Q To your knowledge, have you ever seen this?
 7 A No.
 8 Q Okay. It's dated 1994; is that correct?
 9 A Yes, sir.
 10 Q It's marked with your name, and it appears to be some sort
 11 of report about you; is that correct?
 12 A Confirmation report -- Yes, I imagine, if you're
 13 probationary.
 14 Q And does probationary mean you have only been working with
 15 the department for a short period of time?
 16 A Yes, sir.
 17 Q And at the end of the probationary period, they evaluate
 18 how you have done?
 19 A Yes, sir.
 20 Q And based on that evaluation, decide whether to make you a
 21 permanent hire?
 22 A I believe that's the way the system goes.
 23 Q Right. So these statistics along the middle of the page,
 24 can you take a look at those just for a second so you're
 25 familiar with them?

1 Q They don't get the car back?
 2 A It's evidence. Yes.
 3 Q Okay. Now, you mentioned this line, "Value of Property
 4 Recovered," and it says "99,518.00." Do you have any idea
 5 what that means?
 6 A It looks like a total.
 7 Q Yeah. But you don't know what that refers to?
 8 A No, sir.
 9 Q And I know this is thinking back for a ways, but as far as
 10 you know, no one ever commended or praised you for
 11 recovering property valued at \$99,000?
 12 A No, sir. I wish.
 13 Q You didn't get a cut of that, did you?
 14 A No. No, sir.
 15 Q All right. Let me take this back then. Thank you.
 16 Do you know of any statistics similar to those
 17 that are still kept within the department?
 18 A That I do not know.
 19 Q As a supervisor, do you keep statistics on the officers
 20 under your command?
 21 A No, I do not.
 22 Q Does anyone?
 23 A Yeah. Usually they have what they call a monthly sheet.
 24 This monthly sheet is captioned, I believe, every
 25 twenty-eight or thirty days, and that sheet is completed

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Page 89

1 A Okay.
 2 Q Does that appear to be statistics about what you have done
 3 as an officer since you joined -- between when you joined
 4 the force and when this report was written?
 5 A Yes, sir. I don't know if it's a month's caption or a
 6 quarter or what.
 7 Q But it is a summary of some sort related to you as an
 8 individual officer?
 9 A It appears to be, sir.
 10 Q In the chart, in the line that says "Recoveries,
 11 Automobiles" --
 12 A Okay.
 13 Q -- do you know, do you have any idea what that means?
 14 A It appears to be a dollar amount. I'm not sure.
 15 Q Before you get to the dollar amount, just the number nine.
 16 A Nine, I guess, yeah.
 17 Q Do you have any idea what kind of recoveries that means?
 18 Like stolen car or tows?
 19 A Probably stolen cars, cars used in crimes, that type of
 20 thing.
 21 Q Like cars used in crimes like an instrumentality of the
 22 crime, and you seize the car?
 23 A In other words, like involved in a chase with bank
 24 robbers, you know, and when they get arrested, you know,
 25 you take the car.

1 by the officer according to their activity log which is
 2 kept daily, and it's a summary of what they have done for
 3 the month. But that sheet is just collected by
 4 supervision and forwarded.
 5 Q So you collect it?
 6 A I would if I was in charge of some officers, yes.
 7 Q But you are in charge of some officers now, right?
 8 A No.
 9 Q You're not?
 10 A I'm the training sergeant. That's my function.
 11 Q How about at the time of the CAID raid; were you in charge
 12 of officers at that time?
 13 A Yes.
 14 Q Okay...And you reviewed those sheets that they turned in
 15 on a monthly basis?
 16 A Yeah, make sure that they're there. I mean, I don't --
 17 You know, to go through line by line would be a very
 18 tedious task.
 19 Q Do you sign off on them?
 20 A No. There is no signature.
 21 Q And to whom do you forward that?
 22 A That would go to now what would be known as tactical
 23 support, my boss.
 24 Q Who is a lieutenant?
 25 A Well, it will pass through him. It would go further.

Gregory McWhorter, Sgt.

10/27/2011

24 (Pages 90 to 93)

Page 90

1 Q Does that monthly tally sheet include any dollar figure in
2 terms of the value of property recovered or taken?
3 A The only way you get a dollar figure is when you call that
4 vehicle in to what they call telephone crime reporting,
5 and they may have a sheet up there that tells you what a
6 2004 Lincoln Continental -- the average. Then they would
7 put -- because on your activity log, as you see, there's a
8 spot for that, you know, or what have you, value of
9 property recovered or whatever like this.
10 Q There is?
11 A As far as I know. Miscellaneous, yeah. "All Recovered
12 Property Value." Look at the bottom on the first column
13 there.
14 Q There you go. So if you recover -- if an officer filling
15 out the activity log had during that shift recovered
16 property, they're supposed to put an estimate of what that
17 property is worth?
18 MR. ASHFORD: Objection as to form.
19 THE WITNESS: If they can get in touch with TCRU
20 -- Now, getting in touch with them at 2:00 in the morning
21 might be -- but they would have at least tried.
22 BY MR. KOROBIKIN:
23 Q TCRU stands for what?
24 A Telephone crime reporting -- telephone crime reporting
25 unit.

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1 Q If you cannot get in touch with them, are you supposed to
2 follow up later, or does that just sort of get --
3 MR. ASHFORD: Objection as to form.
4 THE WITNESS: It doesn't -- I don't know of any
5 follow-up procedures there. I mean, I guess you, as an
6 officer yourself, you could call them back in the morning
7 or try to catch them. I'm not sure. I have never been in
8 that situation.
9 BY MR. KOROBIKIN:
10 Q Now, these statistics that you recap that are part of the
11 recap of activity on an activity log, do those get
12 summarized at the end of a reporting period?
13 A For a police officer, not for a sergeant.
14 Q And the police officer writes their own summary?
15 A Well, they're supposed to keep a record of it.
16 Q And then that goes to a sergeant or a supervisor?
17 A It has to be turned in at the end of the month, which
18 would be a supervisor. Not particularly meaning that it
19 would be their supervisor but a supervisor.
20 Q And because you have been a supervisor, you're familiar
21 with what those forms look like?
22 A Yes. The monthly?
23 Q Yeah, the monthly.
24 A Yes.
25 Q And as far as you know, that includes an "All Recovered

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1 Property Value" line?
2 A Yeah, if they get in touch, yes. It's broken down by the
3 day, too, so you have thirty days on there, on the sheet
4 itself. So you capture -- If you did something on the
5 5th, it goes all the way across, and you have certain
6 categories, how many arrests you made, how many tickets
7 you wrote, how many vehicles were recovered, you know, et
8 cetera, et cetera, value of stolen recovered vehicle, and
9 then you columnize it and add everything at the bottom.
10 Q Now, if the vehicle is going back to the owner at some
11 point, do you still try to get the value of that vehicle?
12 A I don't believe so, sir.
13 Q So it's really only if it's being forfeited to the City or
14 the government?
15 A I'm not sure. I'm not sure, sir.
16 Q Did anything strike you as unusual about the raid at the
17 CAID as opposed to other blind pig raids you have been on?
18 MR. ASHFORD: Objection as to form.
19 THE WITNESS: No.
20 BY MR. KOROBIKIN:
21 Q Did you ever discuss the CAID raid with any other officer
22 after it occurred, including informally?
23 A That I do not recall, sir.
24 Q Did you ever hear anyone mentioning to you or discussing
25 with you that it made the news, that it was the subject of

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1 dispute or controversy?
2 A I found out the same time the media released it.
3 Q You know Lieutenant Yost personally?
4 A Professionally.
5 Q Professionally?
6 A Yes, sir.
7 Q If you saw her walking down the hall, you would say hello?
8 A Yes.
9 Q Did you ever discuss this raid with Lieutenant Yost?
10 A Be more specific, sir.
11 Q After this raid occurred --
12 A Okay.
13 Q -- did you ever have reason -- After this raid occurred,
14 -- did you ever discuss the events that took place with --
15 Lieutenant Yost?
16 A No, sir.
17 Q And how about with any other member of the vice squad?
18 A No, sir.
19 Q Okay. You're familiar with the citizen complaint
20 procedure --
21 A Yes.
22 Q -- through the police department?
23 A The form, yes.
24 Q And have you ever been contacted by someone investigating
25 a citizen complaint?

Gregory McWhorter, Sgt.

10/27/2011

25 (Pages 94 to 97)

Page 94

1 A Yes.
 2 Q And have you ever been the subject of the complaint?
 3 A In my police career?
 4 Q Yes.
 5 A Yes.
 6 Q About how many times?
 7 A Once or twice.
 8 Q And of all the citizen complaints that have been filed
 9 against you, have they ever been sustained, or has
 10 improper conduct on your part ever been found?
 11 A No, sir.
 12 Q Have any lawsuits been filed against you for your actions
 13 while on duty or in your capacity as a police officer?
 14 A I believe so, sir.
 15 Q How many?
 16 A Maybe two, three I can remember.
 17 Q Okay. Can you describe those two or three, what the
 18 allegations were against you?
 19 MR. ASHFORD: If you know.
 20 THE WITNESS: Pardon me?
 21 MR. ASHFORD: If you know.
 22 THE WITNESS: Oh, yeah. I think one was
 23 wrongful death, but that's when I was on special response
 24 team dealing with a female that was mentally -- had mental
 25 issues.

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1 BY MR. KOROBKIN:
 2 Q Her family sued you?
 3 A Her family, yes. Not me, but as a group, us.
 4 Q You were among the people who were sued?
 5 A Yes, yes, yes.
 6 Another, again, special response team,
 7 barricaded gunman situation, wrongful death. That's
 8 within the purview of my special response team.
 9 Q And these all took place a number of years ago?
 10 A Yes.
 11 Q Were you the shooter in any of those incidents?
 12 MR. ASHFORD: Go ahead.
 13 THE WITNESS: I believe one.
 14 BY MR. KOROBKIN:
 15 Q Do you know about the lawsuit by Jimmie Eaton?
 16 A Sounds almost a little bit familiar.
 17 Q Okay.
 18 A Is that dealing with vice?
 19 Q Let's give you a copy of the Complaint, and you can review
 20 it. So if I could ask the court reporter to mark this,
 21 I'm sure you'll be happy to know this is the last exhibit.
 22 That's Exhibit 8.
 23 (WHEREUPON, Deposition Exhibit 8
 24 was marked for identification.)
 25 BY MR. KOROBKIN:

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1 Q It is marked Second Amended Complaint and Jury Demand,
 2 Jimmie Eaton and Martez Topp versus, and then it lists a
 3 number of police officers.
 4 A Okay.
 5 Q Does this refresh your recollection about a lawsuit?
 6 A Yes.
 7 Q Okay. Can you tell me what happened? What were the
 8 events that led up to this lawsuit?
 9 A It was involving an officer --
 10 MR. ASHFORD: Object to form. Go ahead.
 11 THE WITNESS: It was involving an officer who
 12 was assigned out from my -- from tac mobile to, if I
 13 remember correctly, vice. Okay?
 14 BY MR. KOROBKIN:
 15 Q Which officer was that? Was that Woods, or was that --
 16 A No. Monica Evans.
 17 Q That was Evans. Okay. Assigned out to vice from tac
 18 mobile?
 19 A Tac mobile.
 20 Q Okay.
 21 A She, in short, she appeared one day back at the command, I
 22 guess to do a report, and somehow, when she typed this
 23 report or what have you like this, I guess other officers
 24 were making fun of her over some actions that had
 25 happened, I guess, dealing with the plaintiffs or what

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1 have you like this. I don't know. Some officer got a
 2 copy of this report, and I think it was surrounding
 3 whether she fired her weapon or ran in cowardice or what
 4 have you like this, and that was it. I was supposedly her
 5 -- I don't know what happened between the time she wrote
 6 the report and then when she -- how it got posted or what
 7 have you like this, but she came and told me.
 8 Q So you weren't personally present at whatever incident was
 9 being discussed --
 10 A No.
 11 Q -- between the officers?
 12 A No.
 13 Q And you weren't personally present when some of the other
 14 officers were allegedly ridiculing her?
 15 A No.
 16 Q But she did come back and tell you that she was --
 17 A Her report, somebody tampered with her report. That's
 18 what her -- if I remember correctly, somebody tampered
 19 with her report, and I in turn told my supervisor.
 20 Q Did Police Officer Evans tell you who tampered with her
 21 report?
 22 A No.
 23 Q Did she indicate it was someone on the vice squad?
 24 A At the time, I do not recall that.
 25 Q You described Officer Evans telling you what had happened

Gregory McWhorter, Sgt.

10/27/2011

26 (Pages 98 to 101)

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1 to her?

2 A Yes. She came in and said --

3 Q Right.

4 A Yes, yes.

5 Q When you described that, you referred to several officers

6 either -- I forget what you said -- making fun of her,

7 ridiculing her, or something like that?

8 A Right.

9 Q Were those officers, to your understanding, officers from

10 the vice squad?

11 A No. I believe they were from tac mobile. The setting was

12 -- she was at tac mobile making out this report.

13 Q Oh, all right. Okay.

14 A Do you understand what I mean? She came -- she left vice.

15 Q Yes.

16 A Didn't make the report out there and came -- for whatever

17 reason, I don't know, computers were down or whatnot --

18 came over to tactical mobile to make the report. I had no

19 idea she was even in the building until afterwards. I

20 don't know -- I don't even know the time gap that it took

21 her to report to me. She just saw me, and since I'm the

22 supervisor, she said, "I believe somebody tampered with my

23 report." She didn't have very -- she was very sketchy on

24 details. I asked her who, what, and she gave me "they,"

25 you know, those type of answers. I, in turn, verbally

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1 told my commanding officer.

2 Q And who was your commanding officer that you told?

3 A I believe it was Lieutenant Mayfield.

4 Q Do you know if any internal investigation took place

5 regarding this incident?

6 A That I don't know. I was deposed.

7 Q You were?

8 A Yes.

9 Q In this lawsuit?

10 A Yes.

11 Q Do you know if any discipline within the department took

12 place related to this incident?

13 A That I do not know.

14 Q Did Officer Evans tell you about the underlying

15 enforcement activity or incident that she had been

16 involved with?

17 A No, sir.

18 Q Allegedly there was some sort of something about who

19 fired?

20 A Yes.

21 Q But you don't know anything about that?

22 A I found out later, very much later. At the time, it was

23 about a report.

24 Q Other than the lawsuits that you mentioned when you were

25 at SRT and when there was a wrongful death with barricaded

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1 people or mentally ill people and this lawsuit that we

2 were just discussing, can you think of any other lawsuits

3 where you have been named as a defendant?

4 A No, I cannot.

5 Q If I can just ask you to bear with me for one second.

6 A Okay.

7 (Discussion off the record.)

8 MR. KOROBKIN: Back on the record for just a

9 second. I have nothing further.

10 MR. ASHFORD: I have no questions. Thank you.

11 (Deposition concluded at 2:50 p.m.)

12 ---

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1

2 STATE OF MICHIGAN)

3) ss.

4 COUNTY OF OAKLAND)

5 I, Denise Moorfoot, a Notary Public in and for

6 the above county and state, do hereby certify that the

7 witness, whose attached deposition was taken before me in

8 the entitled cause on the date and the time and place

9 hereinbefore set forth, was by me first duly sworn to

10 testify to the truth, the whole truth and nothing but the

11 truth; that the testimony contained in said deposition was

12 by me reduced to writing in the presence of said witness

13 by means of stenography; that said testimony was

14 thereafter reduced to written form by mechanical means;

15 and that the deposition is, to the best of my knowledge

16 and belief, a true and correct transcript of my

17 stenographic notes so taken.

18 I further certify that I am not of counsel to

19 either party nor interested in the event of this case.

20

21 Denise Moorfoot
Notary Public, Oakland County
Acting in the County of Wayne
My commission expires: 10-30-11



EXHIBIT 23

Anthony Potts, Sgt.

10/4/2011

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

3 IAN MOBLEY, KIMBERLY MOBLEY, PAUL KAISER,
4 ANGIE WONG, JAMES WASHINGTON, NATHANIEL
5 PRICE, JEROME PRICE, STEPHANIE HOLLANDER,
6 JASON LEVERETTE-SAUNDERS, WANDA LEVERETTE,
7 DARLENE HELLENBERG, THOMAS MAHLER, and
8 LAURA MAHLER,

9 Plaintiffs,

Hon. Victoria A. Roberts
Magistrate Judge Mona K. Mazoub
No. 10-cv-10675

10 -vs-

11 CITY OF DETROIT, a municipal
12 corporation, Lieutenant VICKI YOST,
13 a Detroit police officer, in her
14 individual capacity, Sergeant DANIEL
15 BUGLO, a Detroit police officer, in his
16 individual capacity, Sergeant G. MCWHORTER,
17 a Detroit police officer, in his/her
18 individual capacity, Sergeant A. POTTS,
19 a Detroit police officer, in his/her
20 individual capacity, Sergeant CHARLES TURNER,
21 a Detroit police officer, in his individual
22 capacity, Officer M. BROWN, a Detroit police
23 officer, in his/her individual capacity, Officer
24 B. COLE, a Detroit police officer, in his/her
25 individual capacity, Officer TYRONE GRAY, a
26 Detroit police officer, in his individual
27 capacity, Officer SHERON JOHNSON, a Detroit
28 police officer, in her individual capacity,
29 Officer K. SINGLETON, a Detroit police officer,
30 in his/her individual capacity, and UNNAMED
31 DETROIT POLICE OFFICERS, in their individual
32 capacities.

33 Defendants.

34 DEPOSITION OF SERGEANT ANTHONY POTTS

35 TUESDAY, OCTOBER 4, 2011

Anthony Potts, Sgt.

10/4/2011

2 (Pages 2 to 5)

Page 2

Page 4

Deposition of SERGEANT ANTHONY POTTS,
taken in the above-entitled cause before Denise Moorfoot,
(CSR-2275), Court Reporter and Notary Public for the County
of Oakland, State of Michigan, at 660 Woodward, Suite 1650,
Detroit, Michigan, on Tuesday, October 4, 2011, commencing at
or about the hour of 1:40 p.m.

APPEARANCES:

MR. DANIEL S. KOROBKIN
American Civil Liberties Union Fund of Michigan
2966 Woodward Avenue
Detroit, Michigan 48201

-and-
MR. WILLIAM H. GOODMAN
MS. KATHRYN BRUNER JAMES
Goodman & Hurwitz, P.C.
1394 E. Jefferson Avenue
Detroit, Michigan 48207
Appearing on behalf of the Plaintiffs.

MR. JERRY ASHFORD
City of Detroit Law Department
660 Woodward Avenue
1650 First National Building
Detroit, Michigan 48226
Appearing on behalf of the Defendants.

Detroit, Michigan

Tuesday, October 4, 2011

1:40 p.m.

ANTHONY POTTS

was thereupon called as a witness herein and, after
having been first duly sworn to tell the truth, was
examined and testified as follows:

EXAMINATION

BY MS. JAMES:

Q Good afternoon, Sergeant Potts. I'll already introduced
myself off the record, but I'll do so again on the record.
I'm Kathryn James. This deposition is for a civil rights
case pending in the Eastern District of Michigan. I
represent eight people who were ticketed at the
Contemporary Art Institute of Detroit in May of 2008 and
four people who weren't present there but whose cars were
seized, and I'm going to be asking you some questions
about that incident and a little bit about your background
and training and so forth.

I'm going to ask you -- Well, first off, have
you ever been deposed before?

A Yes.

Q You have been. Do you know roughly how many times?

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A In twenty-four years, I believe this is probably my third
or fourth.

Q So given that you have done this before, you have some
sense of the ground rules, but I'll just remind you of a
few. One really important rule is that since we have a
court reporter who is taking down what we say here, it's
important that you answer verbally. So if you forget to
answer verbally and you nod or shake your head, I might
remind you to give your answer verbally instead, and try
to avoid saying mm-hmm or uh-uh, things like that. And if
you don't hear my question and you want to hear it again,
you can ask the court reporter to read it back, or I can
ask her for you. If you don't understand my question,
please let me know, and I can rephrase it for you so that
we're both on the same page.

Also, you're being represented here by Mr.
Ashford who works for the City of Detroit Law Department,
and periodically he might make some objections to the
questions that I ask today, but unless he instructs you
not to answer, the ground rules are that you wait for him
to make his objection, and then you still answer. Okay?

A Yes.

Q All right. So I'm going to show you a document that will
be marked as Exhibit No. 1 and just ask whether you have
seen this before?

Anthony Potts, Sgt.

10/4/2011

3 (Pages 6 to 9)

Page 6

Page 8

1 A No.
 2 (WHEREUPON, Deposition Exhibit 1
 3 was marked for identification.)
 4 BY MS. JAMES:
 5 Q Were you asked to bring anything with you today?
 6 A No.
 7 Q No? Okay.
 8 MS. JAMES: Jerry, I'm going to reserve my right
 9 to recall this witness in the event that any of the
 10 documents that were requested in the duces tecum are
 11 subsequently produced.
 12 BY MS. JAMES:
 13 Q But could you take a look? There is a list of documents
 14 on pages 2 and 3, and I'm going to ask you to look
 15 primarily at number 2 that talks about training documents.
 16 A Maybe I'm not following.
 17 Q Sure. There's a page marked number 2, and about
 18 two-thirds of the way there's a numeral 2, and it
 19 describes some training documents. Just take a moment to
 20 read that if you would. Just let me know once you have
 21 had a chance to read it.
 22 A Okay. I have read it.
 23 Q Do you know whether you have access to any of the training
 24 materials described there, meaning do you have them in
 25 your personal files, or do you know who you could ask to

1 Q Okay. Let me also ask you, if there was some training
 2 that you received where you wanted to refer back to
 3 something that was not given to you and was not yours to
 4 keep, do you know whether you could ask someone, "Could I
 5 see that video again? Could I see that manual again?" Do
 6 you know whether you would have an opportunity to do that?
 7 A Yes.
 8 Q And do you know, who would you ask to see those materials
 9 if you wanted to?
 10 A Depending on the material.
 11 Q I see. Does it depend on who gave you the training?
 12 A Right. There are a lot of outside contractors that will
 13 come in and will train department members. Sometimes it's
 14 to train the trainer. Sometimes it's exclusive to that
 15 particular company to come in and train, so, I mean, it
 16 varies.
 17 Q Okay. And did you review any documents in preparation for
 18 today's deposition?
 19 A No.
 20 Q No? Okay. Did you --
 21 MR. ASHFORD: Can we go off the record a moment?
 22 Can we go off the record?
 23 MS. JAMES: Sure.
 24 (Recess taken from 1:46 p.m. to 1:49 p.m.)
 25 MR. ASHFORD: Can you reask the question,

Page 7

Page 9

1 obtain materials, training materials described there?
 2 A Okay. Maybe I'm not following. Can you be a little bit
 3 more specific?
 4 Q Let me ask more generically. If you have obtained some
 5 type of training at some point through the Detroit Police
 6 Department, do you ever take any training materials with
 7 you? Are there any distributed that are yours to keep?
 8 A For this in particular?
 9 Q Let's start by asking in general.
 10 A Sometimes yes, sometimes no, depending on the training.
 11 Is it a refresher, or is it an actual class? I mean, it
 12 all depends.
 13 Q On the occasions where there are training materials that
 14 are yours to keep, do you tend to keep them somewhere in
 15 your office and file them, or do you tend not to hang on
 16 to them?
 17 A Again, that's a hard question to answer. I mean, I can't
 18 say that I have actually held on to everything that I have
 19 been trained on, or, I mean, is that -- Is that what
 20 you're asking me?
 21 Q No. I'm not asking whether you have held on to
 22 everything. I'm asking whether you have ever held on to
 23 training materials. Do you have a file somewhere in your
 24 office that has any training materials?
 25 A I have kept training materials, yes. Yes.

1 please?
 2 BY MS. JAMES:
 3 Q Sure. I'll take Exhibit 1 back from you. We're done with
 4 that.
 5 And, Sergeant Potts, I'll just ask you again
 6 whether you have reviewed any documents in preparation for
 7 your deposition today?
 8 A Two CRISNET reports.
 9 Q And may I see those reports? Thank you. Just for the
 10 record, the CRISNET reports that Sergeant Potts has handed
 11 me are reports number 0805310096.1 dated 5-31-2008. That
 12 is a seven-page document. The second report is the same
 13 series of numbers for the first ten numbers with a decimal
 14 point three, dated 6-2-2008, and that's an eight-page
 15 document. Thank you.
 16 Did you participate in the preparation of those
 17 CRISNET reports at all?
 18 A No.
 19 Q Did you read any other depositions in preparation for
 20 today?
 21 A No.
 22 Q I'm going to ask you a little bit of background
 23 information. We'll try to go through this quickly, but
 24 can you tell me your full name and your badge number
 25 please?

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4 (Pages 10 to 13)

Page 10

1 A Anthony Glenn Potts, Badge S499.
 2 Q Thank you. What is your current department or unit within
 3 the Detroit Police Department?
 4 A I'm a sergeant assigned to the special response team.
 5 Q And sergeant is your rank, right?
 6 A Correct.
 7 Q How long have you been with the special response team?
 8 A Off and on approximately seven years.
 9 Q And on your most recent stint in the -- Can I call it the
 10 SRT?
 11 A Yes.
 12 Q When was the beginning of your most recent assignment to
 13 that unit?
 14 A I have been back for about approximately two years.
 15 Q What unit were you in on May 31st, 2008?
 16 A I was assigned to the tac mobile unit.
 17 Q Can you tell me where you went to high school?
 18 A Detroit Public Schools, high school. Osborn, Laura F.
 19 Osborn.
 20 Q What year did you graduate?
 21 A 1983.
 22 Q And did you receive any post high school education?
 23 A Yes.
 24 Q Where?
 25 A Wayne County Community College, Wayne State University,

Page 11

1 University of Phoenix, Siena Heights University.
 2 Q And did you receive degrees from all of those
 3 institutions?
 4 A Yes. I have received a bachelor's in criminal justice
 5 from University of Phoenix.
 6 Q Can you tell me the year of that one before you move on?
 7 A 2008 if I'm not mistaken. June of 2008.
 8 Q Okay. And what kind of degree did you get from Wayne
 9 State?
 10 A No degree from Wayne State.
 11 Q Okay. When did you study there, if you recall?
 12 A 1983. Let's see. June of 1983.
 13 Q Okay. Through when?
 14 A Well, I don't know. It was back and forth. I was working
 15 and going to school, full time, part time.
 16 Q I see. Do you recall, did you declare a major while you
 17 were there?
 18 A Liberal arts.
 19 Q And how about Wayne County Community College, did you
 20 complete any degree programs there?
 21 A No.
 22 Q And then you also said -- was it Siena University?
 23 A Siena Heights University.
 24 Q Siena Heights. Did you complete a degree program there?
 25 A No. Actually, I'm in my last class now for my master's.

Page 12

1 Q Congratulations.
 2 A Thank you.
 3 Q What's your master's?
 4 A Homeland security.
 5 Q And are those online classes?
 6 A It's blended, online and on campus.
 7 Q Okay. Did you have any non-law enforcement job experience
 8 before you began working for the Detroit Police
 9 Department?
 10 A I was a librarian assistant right out of high school.
 11 Q And for what library?
 12 A Detroit Public Library.
 13 Q How long did you work there?
 14 A Approximately three years.
 15 Q And what was the reason that you left the library in the
 16 assistant position?
 17 A Got another position. I was hired at MCI
 18 Telecommunications.
 19 Q So that would have been roughly in 1986?
 20 A Yes.
 21 Q What did you do there?
 22 A Telemarket sales, a little bit of computer programming.
 23 Q And how long were you there?
 24 A Approximately two -- maybe about two years.
 25 Q And when did you leave MCI?

Page 13

1 A I got laid off.
 2 Q Okay. What was your next job?
 3 A The Detroit Police Department.
 4 Q So that would put us to about 1988?
 5 A Probably '87. Actually, it was February of '87.
 6 Q February of '87 --
 7 A Correct.
 8 Q -- you were hired at the Detroit Police Department?
 9 A Yes.
 10 Q And have you worked for the Detroit Police Department ever
 11 since that date?
 12 A Yes.
 13 Q Okay. Did you have any law enforcement training prior to
 14 your hire at the Detroit Police Department?
 15 A No.
 16 Q And what rank were you hired in at the Detroit Police
 17 Department?
 18 A Police officer.
 19 Q And have you held any other ranks other than police
 20 officer or sergeant?
 21 A Yes.
 22 Q What other ranks have you held?
 23 A Investigator.
 24 Q Have you ever been denied a promotion that you applied for
 25 at the --

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5 (Pages 14 to 17)

Page 14

1 A No.
 2 Q - police department? No?
 3 Describe to me what type of training you
 4 received when you were first hired by the police
 5 department. Did you go to a police academy?
 6 A Yes.
 7 Q And how long is that?
 8 A I want to say it was close to a year. I would say nine
 9 months, maybe just shy of a year.
 10 Q Okay. And when you attend police academy, is that full
 11 time?
 12 A Yes.
 13 Q And I realize this was a long time ago, and you won't
 14 remember all of the specifics, but can you tell me
 15 generally what type of training you receive at the police
 16 academy?
 17 A Basic police training. I mean, the essentials, traffic,
 18 law, physical fitness.
 19 Q When you graduate from the police academy, do you receive
 20 any kind of scores or grades?
 21 A No.
 22 Q It's pass/fail?
 23 A Correct.
 24 Q And you passed?
 25 A Yes.

Page 15

1 Q What was your first unit or assignment when you graduated
 2 from the police academy?
 3 A I was assigned to the 13th Precinct.
 4 Q And how long were you there?
 5 A I believe it might have been about seven years.
 6 Q And when you completed your seven years in the 13th
 7 Precinct, were you still at the rank of police officer?
 8 A Yes.
 9 Q Where was your next assignment?
 10 A I was assigned to Eastern Precinct support.
 11 Q What does that mean?
 12 A Actually, it was more of a task force, an East Side task
 13 force or a West Side task force that helped catch up on
 14 our backlog runs.
 15 Q And how long were you with Eastern Precinct support, if
 16 you remember?
 17 A I believe it was from '94 to '97.
 18 Q And throughout that time period, was your rank still
 19 police officer?
 20 A Yes.
 21 Q And what was your next assignment?
 22 A The special response team.
 23 Q Okay. And you said you have been there on and off for a
 24 period of years?
 25 A Yes. I was there from '97 to 2001.

Page 16

1 Q And where did you go following 2001?
 2 A I was promoted to investigator, and I was assigned to the
 3 -- went back to the 13th Precinct.
 4 Q How long were you an investigator at the 13th Precinct?
 5 A Until 2004.
 6 Q Okay. And where did you go next?
 7 A Then I was promoted to sergeant, and I was sent to the 7th
 8 Precinct.
 9 Q And how long were you a sergeant at the 7th Precinct?
 10 A I was assigned there for a little over a year. That
 11 precinct closed down. They started consolidating
 12 precincts into districts, and then I was reassigned to the
 13 11th Precinct which at that time was called Northeastern
 14 District.
 15 Q How long were you at the Northeastern District?
 16 A Let's see. I was in Northeastern District for
 17 approximately about a year and a half.
 18 Q So does that bring us through '06 or '07?
 19 A I would say probably '07.
 20 Q And where did you go next?
 21 A From Northeastern, I went to tactical mobile unit as a
 22 sergeant.
 23 Q And was that your last assignment before transferring back
 24 to SRT where you are now?
 25 A Correct.

Page 17

1 Q And, I'm sorry, what was the date of that transfer? I
 2 think you might have told me already.
 3 A I believe it was probably about the middle of '08, so
 4 right around maybe about June -- June, July, August,
 5 thereabouts.
 6 Q Okay.
 7 MR. ASHFORD: Can we go off the record a moment?
 8 MS. JAMES: Sure.
 9 (Recess taken from 2:17 p.m. to 2:23 p.m.)
 10 BY MS. JAMES:
 11 Q So, over the course of your employment with the Detroit
 12 Police Department, how often would you say you received
 13 some kind of additional training?
 14 A Be more specific.
 15 Q Sure. I would just like to know, and I'm not asking about
 16 the subjects of the training, but periodically, as I
 17 understand it, officers do receive some kind of update on
 18 the law or training on a new area of development, any kind
 19 of training whatsoever. How often would you say that you
 20 go to a class or are asked to review some materials to
 21 train you on something either as a refresher or new?
 22 A Pretty much the standard is annually.
 23 Q Okay. And do you receive any specialized training -- Let
 24 me focus on when you were part of the tactical mobile
 25 unit, because I'm interested in, you know, what you were

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6 (Pages 18 to 21)

Page 18

1 doing and what you were trained on in May 2008, so let's
2 focus on -- Can I call it the TMU?
3 A Yes.
4 Q Did you receive any special training that was different
5 than other assignments that you had when you were in the
6 TMU?
7 A Crowd control. The primary function for TMU was for large
8 crowd control, riot control, and that's what they were
9 more or less put together for. Their training mainly
10 consisted of the mobile field force concept which was from
11 Miami. I'm not sure exactly what year. I want to say
12 1986, when Miami had all these huge riots and upheaval,
13 and then they created a concept that is followed by a lot
14 of law enforcement agencies now today which is now called
15 -- It's their riot training, and now it's called mobile
16 field force concept.
17 Q Can you describe for me where the TMU falls within the
18 Detroit Police Department structure? Is it a separate
19 unit, or does it fall within a larger unit?
20 A It falls within a larger unit. Depending on the year and
21 what was going on, I think in 2008 I want to -- I don't
22 remember the division that it fell under, but the division
23 it fell up under, it was TMU, gang squad, traffic motor.
24 I believe that was it.
25 Q Do I understand you correctly that TMU wasn't part of the

Page 20

1 supporting vice enforcement or vice versa?
2 A No. We were supporting vice enforcement.
3 Q Okay.
4 A They were the smaller of the units, and they needed
5 bodies. And normally vice, if they're planning an
6 operation, they're going to need a lot of support,
7 additional manpower, because they're not going to raid
8 just a bar with fifteen, twenty people. It's usually
9 fifty plus people. So you're going to need, you know,
10 more additional officers to help out.
11 Q And during those kinds of operations, were TMU officers
12 acting at the direction of vice enforcement officers?
13 A Okay. I'm not understanding that question.
14 Q Sure. Let me ask it differently.
15 During operations where TMU was providing
16 support for vice enforcement --
17 A Yes.
18 Q -- would officers from vice enforcement be the ones who
19 were giving directions, and TMU officers were more or less
20 following those directions?
21 MR. ASHFORD: Objection as to form.
22 THE WITNESS: Okay. Maybe I'm not getting the
23 direction part.
24 BY MS. JAMES:
25 Q Okay. On any given operation that TMU would work with

Page 19

1 gang squad or traffic motor but that you were all part of
2 a larger unit?
3 A Yes. We were up under the same umbrella, divisional
4 umbrella.
5 Q And approximately how many officers were within this unit
6 in May of 2008?
7 A Which unit?
8 Q I'm sorry. Within the TMU.
9 A Approximately fifty-five, sixty.
10 Q And can you describe for me, based on your understanding,
11 what was the relationship of the TMU to vice enforcement
12 at that time?
13 MR. ASHFORD: Objection, no foundation. Go
14 ahead. You can answer.
15 BY MS. JAMES:
16 Q I can back up. Let me back up and ask a different
17 question.
18 During the period of time that you were working
19 with TMU, would you on occasion work with officers from
20 vice enforcement?
21 A Yes.
22 Q And on those occasions, what was your understanding of the
23 reason for those two units working together?
24 A In a support capacity.
25 Q What was the direction of that support? Was TMU

Page 21

1 vice enforcement --
2 A Right.
3 Q -- would there be someone who was in charge?
4 A Yes.
5 Q And would that tend to be a TMU officer or a vice
6 enforcement officer?
7 A If it was a vice operation, vice would be in charge.
8 Q And is it correct that some of these operations where TMU
9 provided support to vice enforcement were what we would
10 call a blind pig raid?
11 A Yes.
12 Q And do you understand what I mean when I say blind pig
13 raid?
14 A Yes.
15 Q How many times have you participated in a blind pig raid?
16 A In which capacity?
17 Q In the capacity first as a TMU officer.
18 A To my best recollection, I know we have -- while at TMU,
19 we participated in a few vice operations, blind pig
20 operations with them.
21 Q When you say a few, do you mean less than ten?
22 A Yes.
23 Q Have you participated in a blind pig raid in any other
24 capacity outside of TMU?
25 A Yes.

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7 (Pages 22 to 25)

Page 22

1 Q And what unit would that have been with?

2 A Special response team and the -- you know, special

3 response team, Eastern Precinct support, and also at 13.

4 Q What is your understanding of the purpose of a blind pig

5 raid?

6 MR. ASHFORD: Objection as to form, no

7 foundation. Go ahead if you understand the question.

8 THE WITNESS: Yes, I understand the question.

9 MR. ASHFORD: You can answer.

10 THE WITNESS: For illegal vice activity, selling

11 liquor after hours primarily, teenagers with rave parties,

12 motorcycle clubs and their illegal drug trade as well as,

13 you know, selling liquor after hours.

14 BY MR. JAMES:

15 Q Is one of the objections of a blind pig raid to make

16 arrests? I'm sorry. I realize I used the wrong word.

17 Is one of the objectives of a blind pig raid to

18 make arrests?

19 MR. ASHFORD: Objection to the form.

20 THE WITNESS: It's to stop the illegal activity.

21 BY MS. JAMES:

22 Q Okay. And what's your understanding of the types of

23 illegal activity that call for a blind pig raid? You

24 described a few a moment ago.

25 A Right.

Page 23

1 Q Could you elaborate?

2 A On which part?

3 Q What kind of illegal activity calls for a blind pig raid

4 as you understand it?

5 MR. ASHFORD: Objection, asked and answered.

6 THE WITNESS: Selling liquor after hours, the

7 prostitution. You know, I've seen the prostitution, the

8 illegal liquor sales. I guess, I mean, the damage that it

9 does not just to the patrons but to the actual area

10 surrounding.

11 BY MS. JAMES:

12 Q And as I understand many of these situations to be,

13 there's often a business or -- legitimate or otherwise,

14 there's some kind of a business involved; is that correct?

15 A No.

16 MR. ASHFORD: Objection, no foundation.

17 BY MS. JAMES:

18 Q No? Okay. I guess maybe I should ask it more open-ended.

19 We're talking just about blind pig raids here. Are these

20 usually -- Where do these usually occur? When I say

21 where, I mean in residential areas, in what appear to be

22 commercial areas, or can it be either?

23 MR. ASHFORD: Objection to the form.

24 THE WITNESS: There's no set particular place.

25 I mean, it can happen anywhere.

Page 24

1 BY MS. JAMES:

2 Q So in your experience, they don't tend to be more

3 apparently business-oriented versus residential?

4 A No.

5 Q I'm going to show you an exhibit. This will be marked as

6 Exhibit No. 2. I have another copy so you can both have

7 one.

8 (WHEREUPON, Deposition Exhibit 2

9 was marked for identification.)

10 BY MS. JAMES:

11 Q Have you ever seen this document before? And take your

12 time if you want to take a look at it.

13 A No, I don't believe I have ever seen this before.

14 Q Okay. Take your time, and I would like you to review it,

15 and once you have had an opportunity to review it -- Well,

16 tell me once you have had an opportunity to look at it.

17 A Is there anything in particular I'm looking for or looking

18 at?

19 Q What I'm going to ask you, once you have had a chance to

20 look through it, is whether or not that reflects your

21 understanding of Detroit Police Department policy

22 regarding blind pig raids, and if you don't know, feel

23 free to say you don't know.

24 MR. ASHFORD: Is there a question pending? Have

25 you asked a question yet?

Page 25

1 MS. JAMES: I'll let him tell me when he's done

2 reading it first, and then I can ask it again.

3 MR. ASHFORD: Okay.

4 THE WITNESS: Okay. What's your question?

5 BY MS. JAMES:

6 Q My question is: Now that you have had an opportunity to

7 review Exhibit No. 2, based upon your experience in

8 participating in blind pig raids, does that document

9 reflect your understanding of Detroit Police Department

10 policy in conducting those raids?

11 MR. ASHFORD: Objection as to form. Go ahead.

12 BY MS. JAMES:

13 Q If you know.

14 A That's not a yes-or-no answer. I mean, again, maybe I'm

15 just not following. Can you rephrase that question so I

16 can get a better grasp of what you're asking?

17 Q Sure. Does this document coincide with your understanding

18 of how blind pig raids should be conducted?

19 MR. ASHFORD: Objection as to form.

20 THE WITNESS: A lot of this was taken out of our

21 manual, so yes.

22 BY MS. JAMES:

23 Q Okay. Well, that leads me to my next question which is

24 whether or not you have seen any other written policies

25 regarding Detroit Police Department policies in conducting

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8 (Pages 26 to 29)

Page 26

1 blind pig raids?

2 A The policy comes from the manual.

3 Q Okay. Do you know whether there's a specific provision

4 within the manual on blind pig raids?

5 A I would probably say there is. I couldn't tell you from

6 off the top of my head what it is, but I'm pretty sure

7 there is.

8 MS. JAMES: Can I have that back just so I can

9 keep these together? Thanks. Let's mark this as Exhibit

10 3.

11 (WHEREUPON, Deposition Exhibit 3

12 was marked for identification.)

13 BY MR. JAMES:

14 Q I have handed you what is being marked as Exhibit 3.

15 Across the top it says "203.7 Organized Crime, Vice and

16 Narcotics." Does this document look familiar to you?

17 What I'm really interested in, does this appear to be an

18 excerpt out of the manual that you referred to a moment

19 ago?

20 A It appears to be.

21 Q I see. Okay. Do you recall whether you have received

22 training on this particular portion of the manual? If

23 you're not sure or you don't recall, that's okay, too.

24 A I have received a lot of training in a lot of things, and

25 I don't want to misspeak or anything.

Page 27

1 Q Sure. Let me rephrase it. As you sit here now, do you

2 recall specifically receiving training on this policy

3 other than just having it as part of the manual that you

4 have?

5 MR. ASHFORD: Objection as to form.

6 THE WITNESS: I cannot say that I have actually

7 had training. But have I read this before? Yes.

8 BY MS. JAMES:

9 Q Let me just clarify and make sure I understand your

10 answer. You think you have read it before because it's

11 part of the manual, but you haven't received specific

12 training on it that you recall as you sit here today; is

13 that right?

14 A Right.

15 MR. ASHFORD: Same objection.

16 BY MS. JAMES:

17 Q Are there any other written policies that you are aware of

18 that involve blind pig raids?

19 A Okay. I don't understand the question.

20 Q Okay. As you sit here today, do you know of specific

21 policies, written policies by the Detroit Police

22 Department that give officers -- Let me start from the

23 beginning.

24 As you sit here today, do you know of any other

25 written policies that document Detroit Police Department

Page 28

1 procedure on blind pig raids?

2 A Any other documents?

3 Q That you know of specifically.

4 A That I have knowledge of specifically? No.

5 Q Okay. In the few, I think is the word that you used, in

6 the few blind pig raids that you have participated in as a

7 TMU officer, can you describe to me how officers are

8 usually dressed when conducting those raids?

9 MR. ASHFORD: Objection as to form.

10 THE WITNESS: Which officers?

11 BY MS. JAMES:

12 Q I guess I could ask it a different way. When these blind

13 pig raids are being conducted, are all of the officers

14 involved dressed the same, or are they dressed

15 differently?

16 A The tactical mobile unit officers were in full -- well,

17 were in full uniform. As far as any other entities that

18 were there, I don't recall.

19 Q And can you describe for me what a tactical mobile unit

20 uniform looks like?

21 A At that time, it was just our regular Class A uniforms.

22 It wasn't a tactical -- It was not a uniform such as I'm

23 wearing today, the pants, the cargo pants or BDU pants.

24 It was just regular pants, regular police pants, regular

25 uniform.

Page 29

1 Q What color was the uniform?

2 A Blue.

3 Q And what kind of insignias or writing appeared on the

4 uniforms?

5 A Badge over the heart, patches on the sleeves indicating

6 the unit and the department.

7 Q And is it your testimony that as to any other officers

8 from other units, you don't know or don't recall what they

9 were?

10 A No, I don't recall.

11 Q Okay. The badge or patch on TMU uniforms, do any of those

12 have names or badge numbers?

13 A It was our regular Class A. It's the badge and then the

14 name tag.

15 Q As a member of the tactical mobile unit, would you ever

16 participate in surveillance or investigation prior to a

17 raid?

18 A No.

19 Q In the blind pig raids that you participated in, was there

20 a particular member of the raid team who decided whether

21 or not people would be charged with offenses?

22 A Okay. I don't follow the question.

23 Q Often, when a blind pig raid occurs, people are ticketed

24 with an offense; is that correct?

25 A Correct.

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9 (Pages 30 to 33)

Page 30

1 Q When that occurs, is that at the individual officer's
2 discretion, or does someone within the team decide at some
3 point that tickets will be issued?
4 MR. ASHFORD: Objection as to form.
5 THE WITNESS: That's up to the vice officer who
6 is running the operation.
7 BY MS. JAMES:
8 Q And as you understand it, when does that vice officer make
9 that decision? Is it before the raid?
10 A Again, I'm not sure of the question. I mean, I can't
11 speculate what he would do. I'm not familiar. I'm not
12 from vice. I'm not familiar with how they actually
13 operate and what their procedures are. From my standpoint
14 as a tactical officer, as a support function, that I can
15 speak of.
16 Q Okay. Have you ever ticketed someone in the course of a
17 blind pig raid?
18 MR. ASHFORD: Objection as to form.
19 THE WITNESS: I don't recall.
20 BY MS. JAMES:
21 Q Okay. In the blind pig raids that you have participated
22 in as a member of the tactical mobile unit, do you recall
23 ever being told that tickets were going to be issued?
24 A Yes.
25 Q And who told you that?

Page 31

1 A The vice officer.
2 Q And when did they tell you that?
3 A Are we talking about during the actual raid itself?
4 Q That's what I'm asking. Would it be part of the briefing?
5 Would it be during the course of the raid? When did they
6 tell you that?
7 A Again, it varies. If they know exactly what they're going
8 to run into, some briefings they may say exactly what --
9 you know, what these people are going to be ticketed with.
10 Q Okay.
11 A And sometimes -- it's usually, you know, at the end, once
12 everybody has been -- the area has been secured and they
13 actually see exactly what they have, then we usually get
14 our directions after that.
15 Q In your experience, is there usually a written raid plan?
16 A Yes.
17 Q And do you know who creates that raid plan?
18 A Raid commander.
19 Q And which unit is the raid commander typically a member
20 of?
21 MR. ASHFORD: Objection as to form.
22 THE WITNESS: I guess in this case it would be
23 vice.
24 BY MS. JAMES:
25 Q When you say "in this case," you mean the May 2008 raid?

Page 32

1 A Yes.
2 Q Have you ever reviewed one of the written raid plans? Not
3 for this case but in general.
4 A Yes.
5 Q And what's typically contained in a raid plan?
6 A It essentially just spells out what you're raiding for,
7 approximate numbers, contingency plans, hospital routes,
8 operating procedures for processing prisoners, property,
9 vehicles.
10 Q Will a raid plan include a list of officers who
11 participate in the raid?
12 A No.
13 Q To your knowledge, is there any document that records
14 which officers participate in a given raid?
15 A The only document I can think of is the actual report, the
16 actual CRISNET report.
17 Q Okay. I'm going to ask you to look at Exhibit No. 2
18 again, and I'm going to refer to the back side of that
19 page where it lists nine -- I'm going to use the word
20 assignments. You can give me a better word if you can.
21 But do you see a list of nine assignments there?
22 A Yes.
23 Q And is there a better word than assignment, by the way?
24 A You can say assignment.
25 Q Are these assignments typical to a blind pig raid?

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1 MR. ASHFORD: Objection as to form.
2 THE WITNESS: With adequate manpower, yes.
3 BY MS. JAMES:
4 Q I'm sorry? I didn't hear.
5 A With the adequate manpower, yes.
6 Q So on a smaller raid, there might be less than that
7 number? Is that --
8 A Correct.
9 Q To your knowledge and memory, are those assignments part
10 of the raid plan? Are they documented within the raid
11 plan I should say?
12 A Yeah. I can't speak for vice, but, again, it depends. I
13 mean, even though you may have a plan in place, usually
14 plans on the fly have to be adjusted. So for whatever
15 reason, is anything etched in stone? No. But for the
16 most part, it gives you a generalization of what you're
17 going to need and the manpower and who is going to do
18 what.
19 Q I'm looking for a slightly different bit of information,
20 so I'll ask a slightly different question. Have you ever
21 seen these assignments documented in writing?
22 A Okay. I'm not following. Documented in writing?
23 Q I'm asking, in any of the blind pig raids that you have
24 participated in, have you ever seen a document that listed
25 the names of officers and what their assignment was?

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10. (Pages 34 to 37)

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1 A That I have participated in? No.
 2 Q Okay. So if you were following up on a raid that occurred
 3 and wanted to know who had these assignments, how would
 4 you find that out, if you know?
 5 A I don't know.
 6 Q Okay. I'll take that back from you. Can I grab the other
 7 one, too? Thanks.
 8 A moment ago you described to me what's
 9 typically in a raid plan. Do you know where raid plans
 10 are kept, where they're filed?
 11 A No.
 12 MR. ASHFORD: Objection, no foundation.
 13 BY MS. JAMES:
 14 Q Now I'm going to bring you to the raid that brings us here
 15 today that happened on May 31st, 2008. Do you know who
 16 the officer in charge was in that case?
 17 A Lieutenant Yost.
 18 Q Do you know who the raid commander was?
 19 A No.
 20 Q Do you know who the deputy raid commander was?
 21 A No.
 22 Q The assignments that we reviewed a moment ago, do you know
 23 who was assigned to any of those tasks at that raid?
 24 A No.
 25 Q Do you know whether there was a raid entry plan in that

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1 Q Okay. What do you recall about that briefing?
 2 A Hospital routes, roughly approximate number of people.
 3 Q Do you remember what that approximate figure was?
 4 A No.
 5 Q And what's the significance of the hospital routes?
 6 A In case an officer gets injured, the protocol, what
 7 vehicle is going to be used to extricate the officer, the
 8 route to the hospital, the quickest route to save the
 9 officer's life.
 10 Q Do you recall who -- Well, let me ask a different
 11 question.
 12 Did a particular person run the pre-raid
 13 briefing meeting?
 14 A Yes, but I couldn't recall who it was.
 15 Q Okay. Do you recall whether the warrant was read allowed
 16 or whether you had an opportunity to review it?
 17 A No, I don't recall that.
 18 Q Approximately how many officers were at that briefing?
 19 A Approximately seventy.
 20 Q Do you know what units those seventy officers were drawn
 21 from?
 22 A I believe the bulk of it was from tac mobile. I know we
 23 had at least forty to fifty. I believe gang squad was
 24 there and vice. I mean, that was their operation.
 25 Q Any others that you know of?

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1 case?
 2 A I don't know.
 3 Q In the May 2008 raid, do you remember how the decision was
 4 made to charge people with loitering in a place of illegal
 5 occupation?
 6 A Okay. Can you restate the question, please?
 7 Q Sure. Do you recall that at the May 2008 raid at the
 8 Contemporary Art Institute of Detroit, do you recall that
 9 people were ticketed for loitering in a place of illegal
 10 occupation?
 11 A I do remember people being ticketed.
 12 Q Do you know who made the decision that people were going
 13 to be ticketed that evening?
 14 A No, I don't know who made that decision.
 15 Q Did you, yourself, create any document from that evening?
 16 Were you asked to write a report?
 17 MR. ASHFORD: Objection as to form.
 18 THE WITNESS: I don't recall.
 19 BY MS. JAMES:
 20 Q Okay. Other than the two CRISNETs that you brought with
 21 you today, have you ever reviewed any documents that were
 22 generated as a result of that raid that you recall?
 23 A None that I recall.
 24 Q Okay. Were you present at a briefing prior to this raid?
 25 A Yes.

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1 A There might have been a narcotics unit.
 2 Q Do you ever take written notes at a pre-raid briefing?
 3 A No.
 4 Q Did you observe anyone else take notes at the briefing?
 5 A I don't recall.
 6 Q Do you recall any written documents whatsoever that were
 7 either distributed -- I'll just ask that first. Do you
 8 recall any documents being distributed at the briefing?
 9 A No, I don't recall.
 10 Q Do you recall whether any documents -- Do you recall
 11 seeing anyone writing a report at the briefing?
 12 A Writing a report?
 13 Q Mm-hmm.
 14 MR. ASHFORD: Objection as to form.
 15 THE WITNESS: What type of report?
 16 BY MS. JAMES:
 17 Q Any kind of report. Do you recall seeing anyone writing
 18 any kind of report?
 19 MR. ASHFORD: Objection as to form.
 20 THE WITNESS: I don't recall. There was a lot
 21 of people at this briefing so --
 22 BY MS. JAMES:
 23 Q Okay. Do you recall whether you were shown a map of the
 24 area that you were going to?
 25 A I don't recall.

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11 (Pages 38 to 41)

Page 38

1 Q Were you shown any photos of the building that you were
2 about to raid?
3 A I don't recall photos.
4 Q Other than the routes to local hospitals and the fact that
5 you were told approximately how many people you expected
6 to encounter, although you don't remember the number, is
7 there anything else about that briefing that you recall?
8 A Other than just instructing my officers to -- once the
9 place -- once the -- whatever entry team makes entry and
10 the place is secure, to start segregating the people and
11 to be safe doing it. Make sure you check for weapons, any
12 offensive weapons, and other than that, that was pretty
13 much it.
14 Q And does SRT do the initial entry?
15 A No.
16 Q Okay. What team or unit did the initial entry in this
17 raid?
18 A Narcotics.
19 Q Do you know the names of any of the narcotics officers who
20 were a part of that team?
21 A No.
22 Q If you reviewed the first CRISNET report that you have in
23 front of you, that you brought with you, would you be able
24 to identify any of the officers that are listed in that
25 report; would you be able to point out anyone who was in

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1 narcotics?
2 A Sergeant Pritchett.
3 Q Pritchett? Is that correct, Pritchett?
4 A Correct.
5 Q Thank you.
6 A The only one I recognize at that particular time that was
7 in narcotics was Sergeant Pritchett.
8 Q And in reviewing that report, has that reminded you of any
9 other narcotics officers who participated in that raid?
10 MR. ASHFORD: Objection, asked and answered.
11 THE WITNESS: No.
12 BY MS. JAMES:
13 Q Just Pritchett. Okay. Do you recall how Sergeant
14 Pritchett was dressed on that raid?
15 A No, I don't recall.
16 Q In the briefing, do you recall being given instructions as
17 to what you were to do in the raid?
18 A Yes.
19 Q Okay. And what were your instructions?
20 A I don't remember verbatim, but pretty much it's standard.
21 Again, once they get in and secure everything, our job is
22 to come in and support and handle the crowd.
23 Q And what specifically are you to do to handle the crowd?
24 A Start segregating the men from the women to make sure --
25 start grabbing IDs to make sure there are no minors. If

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1 there are minors, put the minors in a separate area.
2 Check for weapons.
3 Q When you are getting IDs and checking for weapons, how do
4 you do that?
5 A More specific, please.
6 Q Are you asking people whether they have weapons, or are
7 you patting them down?
8 A Patting them down.
9 Q Is it your understanding that you are instructed to detain
10 anyone who is in that building?
11 A Yes.
12 Q And does everyone who is in that building get searched?
13 A Yes.
14 Q And can you describe for me how that search is conducted?
15 A Could you be more specific?
16 Q Okay. Are male officers allowed to search female -- I'm
17 going to call them patrons for now.
18 A No, they're not.
19 Q So did you search anybody that you recall?
20 A Not that I can recall, no.
21 Q Okay. Were you given any specific instructions, other
22 than IDs and weapons, on what to look for?
23 A IDs, weapons, juveniles.
24 Q IDs, weapons, and juveniles. Do you recall seeing that
25 people were patted down?

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1 A Yes.
2 Q Do you recall seeing any officers remove the contents of
3 anyone's pockets?
4 A Yes.
5 Q And do you recall anything significant having been in
6 anyone's pocket?
7 MR. ASHFORD: Objection as to form.
8 THE WITNESS: Anything in particular?
9 BY MS. JAMES:
10 Q Weapons, IDs, anything that you were looking for.
11 MR. ASHFORD: Objection as to form.
12 THE WITNESS: The patrons were patted down. And
13 anything else to that? I mean, I'm not following what
14 you're asking.
15 BY MS. JAMES:
16 Q So you recall seeing officers pat down patrons?
17 A Correct.
18 Q And you recall seeing officers pull things out of patrons'
19 pockets?
20 A Correct.
21 Q Do you recall any weapons being found?
22 A I don't recall any weapons being found, no.
23 Q Do you recall people's IDs being in their pockets?
24 A Some had ID, some did not.
25 Q And what was the significance of the ID? Why were

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12 (Pages 42 to 45)

Page 42

1 officers looking for IDs?
 2 A One is to verify who the people were.
 3 Q Once an officer verified someone's ID, would they give the
 4 ID back to the patron?
 5 A No.
 6 Q What would they do with it?
 7 A The IDs were collected.
 8 Q Okay. And given to a particular officer?
 9 A From what I remember, how the vice was, they had a table
 10 specifically for the ticket writing, and they had the IDs,
 11 and as the IDs -- They would call out the name, and once
 12 the person had been checked, they were more or less in a
 13 holding pattern. They would come to the table. They were
 14 issued their ticket, and their ID was given back to them.
 15 Q So is it your understanding that their IDs were taken for
 16 the purpose of issuing the ticket?
 17 A I don't know for the purpose of issuing the ticket, but I
 18 know -- What their rationale was, I don't know, but I know
 19 their ID was taken, and the ticket was issued.
 20 Q And they received their ID back with the ticket?
 21 A Yes.
 22 Q Okay. Was it your understanding from the briefing that
 23 the process we just went through -- Was it your
 24 understanding from the briefing that that was what was to
 25 take place, that people would be patted down, their IDs

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1 would be taken, and they would be issued tickets? Was
 2 that the process that was --
 3 A I don't believe that -- To my knowledge, no, I don't
 4 believe that was stated. Because that's more or less,
 5 that's -- It's a given. That's what they're there for.
 6 So, no, that probably was not part of the briefing.
 7 Q How do officers understand that that's what they are to
 8 do?
 9 A Okay. Now you lost me.
 10 MR. ASHFORD: Objection, form.
 11 BY MS. JAMES:
 12 Q When you said a moment ago it's a given, I'm trying to
 13 understand how did any officer who was a part of that raid
 14 know what they were to do?
 15 A Well, these weren't rookies, for one. And more or less,
 16 if you have participated in a vice raid before, normally
 17 this is their operating procedure. So as far as their
 18 role, once everything is secured, they're doing whatever
 19 they do. Our support role for tac mobile was mainly for
 20 the crowd control, crime patrol of the patrons, obtaining
 21 IDs, segregating, again, if there were any juveniles, and
 22 more or less securing the place as they would write their
 23 tickets.
 24 Q When you say "they would write their tickets," who is
 25 "they"?

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1 A Vice.
 2 Q Is it your understanding that only vice officers issued
 3 tickets?
 4 A The tickets were issued by vice, but there were other
 5 officers that assisted vice to speed the process up.
 6 Q Okay. So is it your understanding that it's the standard
 7 operating procedure to detain all of the patrons, to pat
 8 them down, to remove the contents of their pockets, and to
 9 ultimately ticket them? That's the standard operating
 10 procedure; is that right?
 11 A Correct.
 12 Q When you entered -- I'm going to call the Contemporary Art
 13 Institute of Detroit, I'm going to call it the CAID for
 14 the sake of brevity from here on out. Do you recall what
 15 entrance you used to the CAID?
 16 A I really don't even recall the layout to be honest with
 17 you.
 18 Q Okay. Do you recall -- Well, let me ask this differently.
 19 Were you present outside when the narcotics team made its
 20 initial entry?
 21 A Yes.
 22 Q Do you recall how long between when they made their
 23 initial entry and when you entered the building?
 24 A No, I don't recall.
 25 Q Okay. Do you recall approximately how many narcotics

Page 45

1 officers were a part of that initial entry team?
 2 A No, I don't recall.
 3 Q What's the first thing that you recall on the scene at the
 4 CAID that evening?
 5 A Chaotic. People were -- a lot of yelling, a lot of
 6 shouting.
 7 Q Is this after you entered the CAID?
 8 A Yes.
 9 Q Who was shouting, if you recall, if you know?
 10 A Between the patrons and the officers.
 11 Q Okay. Once you entered the building, do you recall what
 12 part of the building you went to first?
 13 A I've got a lot of buildings that I have been in, and I
 14 don't want to misspeak and give you the wrong layout, so,
 15 no, I don't recall.
 16 Q I'm going to try and refresh your memory a little bit, and
 17 if you don't remember, that's okay; you can tell me you
 18 don't remember. But as I understand the layout of this
 19 building, there was a dance floor area, there was another
 20 room that had a bar set up, and there was an outdoor
 21 patio. Those were roughly the sections within the
 22 building. Do you recall any of those rooms or areas?
 23 A It sounds like a lot of buildings I have been in, but, no,
 24 I couldn't tell you.
 25 Q So you don't, as to this raid, as you sit here, you can't

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13 (Pages 46 to 49)

Page 46

1 tell me what entrance you used or what area of the
2 building you went to; is that fair?
3 A That's fair.
4 Q Did you ever have your gun drawn at any point during the
5 raid?
6 A No.
7 Q Did you ever see any other officers have their guns drawn
8 during the raid?
9 A No.
10 Q Do you recall physically observing the initial entry team
11 when they entered the building? Obviously, you would be
12 seeing them from the outdoors but --
13 A No, I don't recall seeing them, no.
14 Q So you wouldn't recall seeing if they had guns drawn; is
15 that fair?
16 A That's fair.
17 Q Do you recall approximately how long you were at the CAID
18 that night?
19 A I'm sure it was some hours, but I couldn't tell you
20 exactly how many.
21 Q But it was a matter of hours; is that fair?
22 A Yes.
23 Q When you said earlier that part of your role there was
24 segregating people, can you describe what that means?
25 A Men from the women, juveniles from adults. If there were

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1 any particular actors, if there were any sexual acts, they
2 would also be segregated. If a person was found with a
3 weapon, that person would be segregated from the general
4 area.
5 Q Does that mean to physically move people to different
6 areas of the location according to what category they fall
7 in as you just described?
8 A Yes.
9 Q Okay. And what's your understanding of the purpose of
10 physically segregating people in that way?
11 A Okay. I don't understand your question.
12 Q What's the reason for doing that? Why do you do that?
13 A You can't have the men with the women. They have to be
14 separated.
15 Q And why is that just so I understand?
16 A If it's a husband/wife, boyfriend/girlfriend, if she has a
17 weapon, she can pass it to him. If he has a weapon, he
18 can pass it to her. So essentially by segregating them,
19 that takes that element out of the way.
20 Next, as to control and dominate the area,
21 again, in most blind pigs, normally police are normally
22 outnumbered. So by coming in, putting everybody down and
23 then segregating them, it establishes the control, and
24 then with the control, begin compliance, and it makes
25 things go a lot smoother.

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1 Q Do you know how long the patrons were detained at the CAID
2 that night?
3 A No.
4 Q Was it also a matter of hours?
5 A Yes.
6 Q Were all the patrons out of the building by the time you
7 left, if you recall?
8 A I don't recall.
9 Q Okay. During the time -- Let me ask it a different way.
10 At what point was a patron allowed to leave?
11 A I believe once the patron received the ticket.
12 Q And before they received their ticket, is it fair to say
13 they would not be allowed to leave the building for any
14 reason?
15 A That's correct.
16 Q And is it fair to say that for some patrons it took a
17 matter of hours to receive their ticket?
18 A Due to the volume of people, yes.
19 Q And during that period of time, were they free to move
20 around the building?
21 A No.
22 Q What did they have to do? Stand? Sit? Kneel? Do you
23 recall?
24 A I recall a lot of them sitting.
25 Q Do you know whether there was a uniform instruction? Was

Page 49

1 everyone told to sit, or was it up to the officers who
2 were overseeing a particular area?
3 A No. I believe they were all told to sit.
4 Q And do you recall whether they were allowed to sit in any
5 way they felt comfortable, or did they have to sit in a
6 certain way?
7 A It wasn't a certain way. Just, again, what I recall,
8 their various ages, we wouldn't have them kneel the whole
9 time knowing that sometimes this process can be a little
10 bit lengthy, so just more or less sitting and just being
11 comfortable.
12 Q Did you see any of the patrons kneeling that you recall?
13 A No.
14 Q Did you see any patrons that were handcuffed that night?
15 A I don't recall.
16 Q Do you ever recall hearing any officers instructing
17 another officer to handcuff someone?
18 A No.
19 Q All right. I would like to show you another exhibit. Are
20 we on No. 4?
21 (WHEREUPON, Deposition Exhibit 4
22 was marked for identification.)
23 BY MS. JAMES:
24 Q Did you have an opportunity to take a look at Exhibit 4?
25 A Yes.

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14 (Pages 50 to 53)

Page 50

1 Q Okay. And can you tell me what that document is?

2 A It appears to be my activity log for May 30th of 2008.

3 Q Okay. So I have seen other activity logs that has more

4 than one name on it. In the position that you had at TMU

5 at that time, was it your practice to fill out an activity

6 log only for yourself?

7 A I only worked by myself.

8 Q I see. You didn't have a partner or anything at that

9 time?

10 A No.

11 Q Okay. I'd like you to just explain a bit. Luckily, this

12 is a pretty short one. Can you sort of walk me through

13 this? When we go down to the bottom section, there's a

14 number of columns and rows, and is it fair to say that

15 this is kind of a snapshot of what you did on that shift;

16 is that fair?

17 A Yes.

18 Q So starting with the top line, it says "R/C per Sergeant

19 Richey." What does that mean?

20 A Roll call.

21 Q And what happened at roll call?

22 A It's our daily briefing.

23 Q And do you recall anything about the briefing from that

24 day?

25 A No. Just it was a standard on-duty briefing with the

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1 working correctly.

2 Q And the next row says, "Busy updating daily detail." Can

3 you tell me what that means?

4 A Part of my duties is also clerical. I also have to update

5 our daily detail and change it, so if anybody is sick or

6 has been pulled to do another assignment, just more or

7 less just updating and correcting the detail.

8 Q Can you back up and tell me what a daily detail is? Is

9 that a document?

10 A A daily detail shows the personnel that is working on that

11 particular day.

12 Q I see. Just within --

13 A Within tac mobile, within our unit.

14 Q So as a supervisor, this particular duty falls on you; is

15 that fair?

16 A That's correct.

17 Q The next column says "R/O Osborn High School checking for

18 loiterers, none found at this time." What does "R/O"

19 mean?

20 A Rear of. I was in the rear of Osborn High School.

21 Q I see. And what kind of loitering were you checking for?

22 A Car thieves have a habit of taking stolen cars and

23 stripping them behind Osborn. Sometimes kids go there to

24 do their illicit activities that they want to do.

25 Sometimes -- This was in May. Okay. So school was still

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1 sergeants and the officers.

2 Q And there's a comment -- a column, rather, that says "Type

3 Activity," and then below that column there's a series of

4 notations where the letters "MA" appear. Can you tell me

5 what "MA" means?

6 A Miscellaneous activity.

7 Q And is there a -- I'm not sure what the word would be, but

8 is there a standard set of codes that you use in that

9 column?

10 A Yes. If it's a traffic stop, it would be TS.

11 Q Okay.

12 A If it was a special detail, SD.

13 Q And what does special detail mean?

14 A If you were working Downtown directing traffic at

15 Greektown or something like that, it would be considered

16 special detail.

17 Q I see. Okay. So everything from this particular activity

18 log you classified as miscellaneous activity; is that

19 correct?

20 A That's correct.

21 Q The second row in that grid is, "Busy checking in car

22 video." Can you tell me what that means?

23 A One of my functions at the beginning of the shift is to

24 check the in-car video. The officers that are going out

25 on patrol, to make sure that the video is functioning and

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1 open. So it's not uncommon that people would break into

2 the school. They would normally do it through rear

3 entrances.

4 Q So is this a particular activity that you would just try

5 to check this spot periodically; is that fair?

6 A Yes.

7 Q The next column or row, rather, says, "Gratiot and Georgia

8 assistant tac ..."

9 A "... assisted tac 74, 73, and 13 on injury accident."

10 Q Can you just describe briefly what this means?

11 A I went there to assist those units, mainly probably

12 directing traffic or helping with EMS and tow trucks.

13 Q So would it be fair to say you were providing support --

14 A Yes.

15 Q -- for officers on another incident?

16 A Yes.

17 Q The next row says, "Kelly and Morang 'In and Out Party

18 Store' checked location for loiterers and narcotic

19 activity, none found." Is this similar to what you had

20 done at Osborn High School earlier?

21 A Yes.

22 Q The next row, this is 12:50. Would that be p.m.?

23 A Yes.

24 Q I'm sorry. Technically that would be a.m.

25 A Yes, a.m.

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15 (Pages 54 to 57)

Page 54

1 Q So we're talking just after midnight?
 2 A Correct.
 3 Q "1019 to the base for vice raid briefing." Is this the
 4 briefing we talked about earlier?
 5 A Yes.
 6 Q How long was that briefing; do you know?
 7 A If I arrived at the base at 12:50, more than likely the
 8 actual briefing was at 1:00 a.m., so I would venture to
 9 say it took about an hour for the briefing.
 10 Q I see. Okay. And so the next row says, "Raid at 1541
 11 12th Street." Is that the location of the CAID?
 12 A No. I've got Rosa Parks, but my activity log, it has
 13 1541, but apparently the location on the CRISNET report
 14 says 5141, so I --
 15 Q Do you think that could have just been a typo, but that's
 16 the location you were referring to?
 17 A Yes.
 18 Q Okay. You didn't do any other raids that night, right?
 19 A No, no.
 20 Q The next four lines underneath that -- I'm sorry. Just
 21 three lines say, "Busy at raid location on prisoner
 22 security." Is that right?
 23 A Correct.
 24 Q Is there a particular reason why you would enter this
 25 three times?

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1 A No. It's just the way I like to do my activity log.
 2 Q Just to sort of account for a longer period of time; is
 3 that fair?
 4 A Yes.
 5 Q Now, the row that says "Raid at 1541 12th Street," is it
 6 correct that the time there is 2:10 a.m.?
 7 A Yes.
 8 Q And the third notation of "Busy at raid location on
 9 prisoner security" says 4:30; is that correct?
 10 A Okay. Say that again.
 11 Q So if you go to the third notation of "Busy at raid
 12 location on prisoner security" --
 13 A Which time?
 14 Q The bottom one.
 15 A What time?
 16 Q Well, that's what I'm asking. At 4:30, is that accurate
 17 that at 4:30 you were still busy at the raid location?
 18 A That's what I put down, yes.
 19 Q Okay. Now that we have seen this document, do you think
 20 it's fair to say that, based on your activity log from
 21 that day, it appears as though you were there for at least
 22 two hours; is that fair?
 23 A More than two hours, yes.
 24 Q And then the next row that we have not read yet starts at
 25 5:15 a.m. and says "Busy at TMU base unloading security."

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1 Is that right?
 2 A Correct.
 3 Q And what does that mean, "unloading security"?
 4 A Mainly just unloading equipment that we carry in our scout
 5 cars, raid shields, batons, raid equipment.
 6 Q So did TMU officers have shields and batons at that raid?
 7 MR. ASHFORD: Objection as to form.
 8 BY MS. JAMES:
 9 Q Do you recall?
 10 A That equipment is standard. We carry that in our vehicles
 11 at the beginning of -- starting our patrol.
 12 Q Oh, I see. You have that equipment every day?
 13 A Yes. We carry that equipment every day.
 14 Q I see. All right.
 15 Now, the time there, 5:15 a.m. on that
 16 particular row, would that be the time that you arrived at
 17 the base?
 18 A Yes.
 19 Q Okay. So my next question is that between 4:30 a.m.,
 20 which is the line directly above, and 5:15, did it take
 21 you forty-five minutes to go from the raid location to the
 22 base, or is there some other accounting for that
 23 forty-five minutes? And if I'm not being clear, I can
 24 rephrase.
 25 MR. ASHFORD: Objection as to form.

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1 THE WITNESS: Okay. Maybe I'm not following
 2 what you're --
 3 BY MS. JAMES:
 4 Q I'm trying to narrow in on, as of 4:30, your activity log
 5 says you were busy at the raid location. I'm trying to
 6 narrow in on when you left that location. Is there a way
 7 that we can tell from this activity log when you left that
 8 location? Do you understand my question?
 9 A You're asking me to account for the time between 4:30 and
 10 5:15? Is that what I'm hearing?
 11 Q I'm asking if at 4:30 you were still at the raid location
 12 or if that's the time that you left, if you recall or if
 13 you know?
 14 A I don't recall.
 15 Q Okay. Where is the TMU base?
 16 MR. ASHFORD: I'll object to that based on law
 17 enforcement privilege and instruct the witness not to
 18 answer.
 19 BY MS. JAMES:
 20 Q Let me ask this. I think that's an improper assertion of
 21 the objection, but in order to move along, I'll see if I
 22 can ask this in a different way.
 23 Do you recall roughly the location of the raid?
 24 Are you familiar with that area? Actually, that's a bad
 25 way of asking it.

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16 (Pages 58 to 61)

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1 Do you recall the location of the raid? And I
2 don't just mean the address. Do you actually recall where
3 it was?
4 A I vaguely have an idea --
5 Q Okay.
6 A -- where it's located.
7 Q And based on your recollection of where the raid was, can
8 you tell me that if you traveled from that location to the
9 TMU base, approximately how long of a traveling distance
10 that would be just approximately?
11 MR. ASHFORD: In terms of minutes?
12 BY MS. JAMES:
13 Q In terms of minutes, yes. Thank you.
14 A Fifteen, twenty minutes.
15 Q Okay. Just one more question about your activity log. If
16 you issue any tickets on a given shift, is that something
17 you should note in your activity log?
18 A Normally, yes.
19 Q By the absence of any such notation on this activity log,
20 could you assume that you had issued no tickets?
21 MR. ASHFORD: Objection as to form.
22 BY MS. JAMES:
23 Q I can ask it a different way if you're not sure.
24 A Please.
25 Q Are there circumstances where you issue tickets, but for

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1 some reason it's not noted on your activity log? Does
2 that happen?
3 A Yes.
4 Q Okay. That's all. Can we take these back? Thank you.
5 MR. ASHFORD: Was that an exhibit?
6 MS. JAMES: Yes, that was No. 4.
7 BY MS. JAMES:
8 Q I think you already testified to this, but please correct
9 me if I'm wrong. I believe you testified that you,
10 yourself, did not write any reports as a result of this
11 raid; is that correct?
12 MR. ASHFORD: Objection as to form.
13 THE WITNESS: Write any reports?
14 BY MS. JAMES:
15 Q Yeah. Other than your activity log. We just looked at
16 your activity log, so we know you have some document from
17 that day. I'm asking something a little different. Did
18 you create any documents specifically describing your
19 activity in this raid?
20 MR. ASHFORD: Objection as to form.
21 THE WITNESS: Are you asking me did I do a
22 CRISNET report?
23 BY MS. JAMES:
24 Q As I understand it, CRISNET would be one of the options.
25 A Any particular --

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1 Q We can start there. Did you create a CRISNET as a result
2 of your participation in this raid?
3 A Not to my knowledge.
4 Q Okay. And are there any other written documents that you
5 -- Actually, let me rephrase that.
6 You don't remember writing any other documents
7 other than your activity log as a result of this raid; is
8 that right?
9 A That's right.
10 Q What's your understanding of when you should fill out your
11 own CRISNET report? Let me put it a different way.
12 When is an officer supposed to fill out a
13 CRISNET report?
14 MR. ASHFORD: Objection as to form.
15 THE WITNESS: When an officer takes police
16 action or documenting a particular -- something in
17 particular that needs documentation.
18 BY MS. JAMES:
19 Q Okay. And is it your understanding that such
20 documentation -- I guess, let me ask it differently.
21 What is your understanding of the significance
22 of documenting police activity?
23 A Okay. I'm not following.
24 Q Okay. Why fill out a CRISNET?
25 MR. ASHFORD: Objection, asked and answered.

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1 THE WITNESS: In what capacity? Are we talking
2 specifically this date, or are you speaking in general?
3 BY MS. JAMES:
4 Q What in general is the importance of report writing?
5 A Documentation.
6 Q For what purpose? I mean, it's not for the sake of using
7 up paper. It's for some other purpose, right?
8 A For any police action that might have been taken.
9 Q How are these reports used following the action that was
10 taken?
11 A Okay. I don't understand.
12 Q When you fill out a CRISNET, what do you do with it?
13 MR. ASHFORD: Objection, no foundation.
14 BY MS. JAMES:
15 Q Have you ever filled out a CRISNET before?
16 A Yes.
17 Q Okay. On the occasions that you have filled out a
18 CRISNET, what do you do with the report after you complete
19 it?
20 A It's electronic. Once I'm through with it, I send it
21 electronically to be reviewed by my supervisor or whoever
22 the officer in charge at the desk is. He reviews it. If
23 he accepts it, he basically puts his stamp of approval on
24 it, and from there it is forwarded to -- if it needs to go
25 to the detective bureau, or it's forwarded to wherever it

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17 (Pages 62 to 65)

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1 has to go after that.
 2 Q Okay. And can you give me some examples of where it gets
 3 forwarded?
 4 A It depends. I mean, anything in particular you're looking
 5 for?
 6 Q I'm trying to understand, why do you record things? Do
 7 you use them at some point in the future? What happens to
 8 them?
 9 A Again, it's documentation that police action was taken.
 10 Q Do criminal prosecutions sometimes follow a police
 11 activity?
 12 A Are you asking me to speculate on that? I mean, I'm
 13 trying to be -- What is it that -- What exactly are you
 14 asking?
 15 Q Okay. Have you ever written a CRISNET report that has
 16 documented police activity that has led to a criminal
 17 prosecution?
 18 A Yes.
 19 Q Okay. And when that happens, does the CRISNET report
 20 become significant for some reason?
 21 A Okay. Do you want to rephrase that?
 22 Q Does anyone look at the CRISNET report in the context of a
 23 criminal prosecution?
 24 A It's an official document so --
 25 Q And you fill out that document in order to create a

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1 A Yes.
 2 Q Okay. And one of the contexts in which you may be asked
 3 to testify or recall your police activity would be in a
 4 criminal prosecution; is that correct?
 5 A One of.
 6 Q So would you agree that when you have been involved in
 7 police activity that includes criminally charging someone,
 8 that it would be important to document that activity in a
 9 police report?
 10 MR. ASHFORD: Objection to foundation.
 11 THE WITNESS: Rephrase that, please.
 12 BY MS. JAMES:
 13 Q Sure. Do you agree that when you engage in police
 14 activity, which includes charging a person with a crime,
 15 that it would be important for you to document in a police
 16 report the activity that you took?
 17 MR. ASHFORD: Objection, no foundation.
 18 THE WITNESS: Would I agree with you? Yes.
 19 BY MS. JAMES:
 20 Q Okay. I think we finally understand each other.
 21 Would you also agree that it would be good
 22 police practice to document law enforcement activity that
 23 results in charging a person with a crime?
 24 MR. ASHFORD: Objection, form and foundation.
 25 THE WITNESS: Yes.

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1 contemporaneous record of the facts that occurred at the
 2 time of the activity; is that right?
 3 MR. ASHFORD: Objection, no foundation.
 4 Objection as to form.
 5 THE WITNESS: It's one of -- you know, a record
 6 of an account that the officers documented.
 7 BY MS. JAMES:
 8 Q And if you didn't have the CRISNET report, is it fair to
 9 say that an officer would have to rely on his own memory
 10 to recall the facts of a police activity?
 11 A Yes.
 12 Q And do you agree that a written report is a preferable way
 13 of documenting those facts as opposed to relying on an
 14 officer's memory?
 15 MR. ASHFORD: Objection, no foundation.
 16 THE WITNESS: I'm not sure how to even answer
 17 that one. Rephrase that. You lost me again.
 18 BY MS. JAMES:
 19 Q Do you agree that if you were asked to testify regarding a
 20 police activity that you took, that you would rather have
 21 a report to refer to than rely on your own memory; is that
 22 fair?
 23 A Yes.
 24 Q Okay. And that's part of the reason why report writing is
 25 important as a police officer; is that fair?

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1 BY MS. JAMES:
 2 Q Okay. And do you also agree that included in that
 3 documentation should be your best account as an officer of
 4 what you saw and what you did in the activity that you're
 5 documenting; is that fair?
 6 MR. ASHFORD: Objection, form and foundation.
 7 THE WITNESS: Yes.
 8 BY MS. JAMES:
 9 Q Okay. Going back to the May 2008 raid, did you have any
 10 reason to believe that the entry into that location
 11 presented an unusually dangerous situation based on the
 12 information that was given to you?
 13 MR. ASHFORD: Objection as to form.
 14 THE WITNESS: Don't recall.
 15 BY MS. JAMES:
 16 Q Do you recall whether you were advised as to the presence
 17 of weapons at that location?
 18 A Good law enforcement training, you always anticipate
 19 weapons are on site any time you do a raid.
 20 Q Okay. And is it fair to say that this raid was conducted
 21 according to the standard operating procedures for all
 22 executions of search warrants on blind pigs; is that fair?
 23 A No.
 24 MR. ASHFORD: Objection, no foundation.
 25 BY MS. JAMES:

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18 (Pages 66 to 69)

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1 Q Okay. What made this raid different?
 2 A There's no routine. Every raid is different.
 3 Q Okay.
 4 A So we can't say all, because, again, all raids are
 5 different just like all traffic stops are different.
 6 There is nothing routine about any of it.
 7 Q Okay. But there are some things that remain consistent.
 8 You just told me a moment ago that you always assume the
 9 presence of weapons are possible at least, right?
 10 MR. ASHFORD: Objection, no foundation.
 11 THE WITNESS: Yes.
 12 BY MS. JAMES:
 13 Q Okay. So there are some ways in which these raids are at
 14 least similar to one another; is that fair?
 15 MR. ASHFORD: Objection, no foundation.
 16 THE WITNESS: There's a generality, but, again,
 17 it's more or less for form and structure, but, again,
 18 raids are very -- they're different. Each raid is
 19 different.
 20 BY MS. JAMES:
 21 Q And what are some of the factors that make them different?
 22 A Patrons, the environment, the time. I mean, there are a
 23 lot of variables that go into planning a raid. Some
 24 variables you just can't -- you can't see. You can't plan
 25 for them all.

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1 Q What kinds of variables do officers try to anticipate
 2 through surveillance and investigation? Actually, let me
 3 rephrase that.
 4 What kinds of variables do officers seek to
 5 confirm or gain actual information about through
 6 surveillance and investigation prior to a raid, if you
 7 know?
 8 A Okay. I didn't understand the question.
 9 Q You told me that there are a number of variables that go
 10 into different raids.
 11 A Correct.
 12 Q And I'm trying to understand what kinds of variables can
 13 you --
 14 A I'm sorry. Executions of the raids. Now, preplanning and
 15 whatever, the investigation prior to, I don't have the
 16 knowledge of that. I can only speak of the actual
 17 execution of the raid.
 18 Q I see. I see. In these pre-raid briefings, are you ever
 19 -- I understand that you don't personally participate in
 20 the surveillance or pre-raid investigation; however, prior
 21 to a raid, are you ever given information based on
 22 surveillance and investigation done by other people? For
 23 example, are you ever told, you know, based on our
 24 previous investigation, we know there are likely to be
 25 guns present here, or we have observed drugs to be present

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1 here?
 2 MR. ASHFORD: Objection to the form.
 3 THE WITNESS: Okay. You're asking me -- Okay.
 4 Rephrase that question because, again, you lost me.
 5 BY MS. JAMES:
 6 Q Okay. Prior to any of these blind pig raid search warrant
 7 executions that you have been a part of, at any of these
 8 operations, at the briefing before the raid, have you ever
 9 been given information that helped to confirm some of
 10 these variables or shed some light on these variables at
 11 any time?
 12 A Yeah, that would be an important part of the briefing.
 13 Q Okay. So you're not always going into these situations
 14 with no knowledge whatsoever; is that fair?
 15 A Yes.
 16 Q Okay. Because it's an important police practice to obtain
 17 the information -- Well, scratch that.
 18 In this raid, in May 2008, do you recall whether
 19 you were given any information about whether investigators
 20 confirmed that there were likely to be guns present?
 21 A I don't recall.
 22 Q So is it fair that you -- Do you recall any information,
 23 other than I believe you testified earlier you thought
 24 they told you the approximate number of people to
 25 anticipate, other than the number of people, do you recall

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1 having been advised of any particularities that you could
 2 expect to encounter at this raid?
 3 MR. ASHFORD: Objection as to form.
 4 THE WITNESS: No, I don't recall.
 5 BY MS. JAMES:
 6 Q At the CAID in May 2008, do you recall personally
 7 observing any illegal activity inside the building?
 8 A What I can remember, once I actually entered the building,
 9 pretty much everybody was down, and I just remember
 10 starting to have my people just start to segregate people,
 11 but I didn't witness anything.
 12 Q And is it your recollection that -- I think we already
 13 agreed to this. It is your recollection that people did
 14 get ticketed that night; is that fair?
 15 A Yes.
 16 Q And for those who did get ticketed, based on your
 17 understanding of this raid, what activity did they engage
 18 in that authorized police to ticket them?
 19 A Being in a place of illegal occupation or other vice -- I
 20 guess other vice ordinances they would hinge upon that.
 21 But are you asking me specifically what were they charged
 22 with?
 23 Q I'm not asking what they were charged with. I'm asking
 24 about what activity that you know of that they actually
 25 did that was illegal.

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19 (Pages 70 to 73)

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1 A That I observed them or was told to me or what?

2 Q What do you understand they did? We already established

3 that you didn't personally observe any illegal conduct, so

4 what is your understanding of what they actually did that

5 was illegal? What was told to you?

6 MR. ASHFORD: Objection, asked and answered.

7 BY MS. JAMES:

8 Q Let me clarify what might be confusing you. I'm not

9 asking you to recite the charge or recite the ordinance

10 that they were ticketed under. I'm asking you to tell me

11 in layman's terms what they did, the facts of their actual

12 activity. What did they do as you understand it?

13 MR. ASHFORD: Objection, asked and answered. Do

14 you understand the question?

15 THE WITNESS: It was just a general -- it was a

16 vice raid and vice activity that was going on, and pretty

17 much that was it.

18 BY MS. JAMES:

19 Q All right. We are nearing the end, I promise. This, I

20 believe, will be Exhibit No. 5. This is just a copy of

21 what you already have yourself, the CRISNET report that

22 ends in decimal point one.

23 (WHEREUPON, Deposition Exhibit 5

24 was marked for identification.)

25 BY MS. JAMES:

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1 Q And I would like to direct your attention to page 2.

2 Defendant number 35 is down at the bottom of that page.

3 The name is Jacque Sutton. Do I understand or should I

4 understand from this report that you issued him a ticket

5 for loitering in a place of illegal occupation? Do you

6 want me to ask that again?

7 A Please.

8 Q Sorry. I'm sorry. Again, referring to Defendant number

9 35 on page 2 of this report, Jacque Sutton, this record

10 appears to indicate that you issued this person a ticket

11 for loitering in a place of illegal occupation; is that

12 correct?

13 A That's what's written down here.

14 Q Is it fair, based on your previous testimony, that you, as

15 you sit here, don't recall issuing that ticket?

16 A I don't recall.

17 Q Okay. Is it also fair to say, based on your previous

18 testimony, that you don't recall personally observing him

19 engaging in any illegal activity; is that fair?

20 MR. ASHFORD: Objection, no foundation.

21 THE WITNESS: Can you restate the question

22 please?

23 MS. JAMES: Can you read it back?

24 (WHEREUPON, the Reporter read back

25 the last question.)

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1 THE WITNESS: That's fair.

2 BY MS. JAMES:

3 Q I'd like to direct your attention to page 4, about five

4 lines from the bottom on that page is number 76, Nathaniel

5 Price. I'm going to ask you the same question. According

6 to this report, you issued him a ticket for loitering in a

7 place of illegal occupation; is that correct?

8 A A ticket was issued, yes.

9 Q And it was issued by you; is that correct?

10 A I don't recall, but we're talking over 134 people.

11 Q I'm only asking you about two.

12 A Well, he was in there. He was loitering, so the ticket

13 was issued.

14 Q By you, right?

15 MR. ASHFORD: Objection, asked and answered.

16 THE WITNESS: If I put my name on it, yes.

17 BY MS. JAMES:

18 Q All right. And, again, based on your previous testimony,

19 is it fair to say that you didn't personally observe him

20 engaging in any illegal activity?

21 MR. ASHFORD: Objection, no foundation.

22 THE WITNESS: If he was issued a ticket for

23 loitering, he was there, so I guess that would tend to

24 speak for itself.

25 BY MS. JAMES:

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1 Q Is it your testimony that his presence in the building is

2 the illegal conduct?

3 A If that's what the ticket says, loitering in place of

4 illegal occupation.

5 Q So the answer is yes?

6 A Loitering on a street corner -- We were there for a

7 purpose.

8 Q So the answer is yes?

9 A Yes.

10 Q Okay. I'm going to ask you about one more person, number

11 96 on page 5, Ian Mobley. According to this report, you

12 issued a ticket for loitering in a place of illegal

13 occupation; is that correct?

14 A Correct.

15 Q Okay. And, again, based on your previous testimony, is it

16 correct that you didn't personally observe him engage in

17 any illegal activity other than his presence in the

18 building when you arrived; is that correct?

19 A Other than his presence, correct.

20 Q Okay. I will take these back from you. Thank you. Can I

21 have yours, too, Jerry? This will be No. 6.

22 (WHEREUPON, Deposition Exhibit 6

23 was marked for identification.)

24 BY MS. JAMES:

25 Q I'm handing you what has been marked Exhibit No. 6. This

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20 (Pages 74 to 77)

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1 is also a report that I know you have yourself. This is
 2 the CRISNET report ending in decimal point three, and I'm
 3 going to try and shortcut this one for you as best as I
 4 can. This report, I'll direct you to number 49 which is
 5 Jacque Sutton, number 60 which is Nathaniel Price, and
 6 number 65, Ian Mobley. This report also documents that
 7 you issued -- Well, actually, let me ask you the question.
 8 It repeats that these same people were issued a ticket by
 9 you for loitering in a place of illegal occupation, and
 10 then it lists a vehicle by year, make, model, plate
 11 number, what I assume is either license number or VIN
 12 number. It identifies a vehicle; is that fair?
 13 A Yes.
 14 Q Okay. And is it your understanding that by issuing the
 15 loitering ticket, these vehicles were then seized pursuant
 16 to the nuisance abatement statute?
 17 A Yes.
 18 Q Okay. Did you personally observe any of these three
 19 people -- Let me rephrase that question.
 20 What did you observe these three people doing
 21 that authorized the abatement of their vehicles?
 22 MR. ASHFORD: Objection, calls for a legal
 23 conclusion. You can answer.
 24 THE WITNESS: They were detained in a place that
 25 was slated by vice that it was an illegal occupation, and

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1 A No.
 2 Q But given that it does start at 40 on page 1, you can flip
 3 to the end at page 5, and it ends at number 83. Do you
 4 see that?
 5 A All right.
 6 Q Okay. So it stands to reason that 83 minus 39 is 44. So
 7 can we agree that we're talking about 44 vehicles that
 8 were seized for abatement?
 9 A Okay. I can agree on that.
 10 Q Okay. Based on your understanding of this raid, was it
 11 only vehicles that were in the vicinity of the CAID that
 12 were actually abated? In other words, if someone had not
 13 driven themselves there, you didn't go to their home and
 14 seize their vehicle?
 15 A No.
 16 Q Okay.
 17 A I personally did not, no.
 18 Q And to your knowledge, that wouldn't have been a normal
 19 procedure?
 20 A No.
 21 Q That's not what's done, right?
 22 A No.
 23 Q What about someone whose vehicle was not in the immediate
 24 vicinity of the CAID? Well, let me ask a different
 25 question.

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1 the three people that you said in question were in this
 2 particular facility.
 3 BY MS. JAMES:
 4 Q Okay. I'm going to ask you about the third person, number
 5 65, Ian Mobley specifically. Do you recall or do you know
 6 where his car was when you authorized its abatement?
 7 A No.
 8 Q Do you recall asking him where his vehicle was?
 9 A I don't recall.
 10 Q Let me ask you this question. Would you agree with me
 11 that the list of vehicles that were abated in Exhibit No.
 12 6 is shorter than the list of people who received tickets
 13 that was in Exhibit No. 5? Can we agree that this is a
 14 shorter list?
 15 A I don't know. I didn't personally count the people, the
 16 individual people in each report.
 17 Q Well, I can offer you a shortcut. The list of people who
 18 were ticketed is conveniently numbered. So if we go to
 19 the first CRISNET, you can flip to the end and look at the
 20 last number. That will tell us how many people were
 21 ticketed.
 22 A A hundred thirty-four.
 23 Q And the list in the CRISNET report that ends in point
 24 three, Exhibit No. 6, it starts at 40. You don't happen
 25 to know why the number starts at 40, do you?

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1 You have already testified that you don't
 2 remember where Ian Mobley's car was parked, right?
 3 A Correct.
 4 Q And let's assume for the moment, although I understand you
 5 don't know or remember, but let's assume for the moment
 6 that his car was not parked in the immediate vicinity of
 7 the CAID but that he had driven to a friend's house.
 8 Based on your training, would it be appropriate to seize
 9 his car and abate it if it were not parked in the vicinity
 10 of the CAID?
 11 MR. ASHFORD: Objection, no foundation.
 12 THE WITNESS: Okay. Maybe I'm not following the
 13 question.
 14 BY MS. JAMES:
 15 Q Okay. Let me ask it differently. Is it your
 16 understanding that you would have the authority to seize a
 17 vehicle and have it abated if that vehicle was not used to
 18 drive the individual to the place of illegal occupation?
 19 A Is the vehicle on site or off site?
 20 Q I'm sorry. Did you say on site or off site?
 21 A Is it on site? Is it at the particular location, or are
 22 you talking about a vehicle that's away from the location?
 23 Q We're assuming that it's off site, not at the location.
 24 Would you be authorized to seize it for abatement?
 25 MR. ASHFORD: Objection, calls for a legal

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21 (Pages 78 to 81)

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1 conclusion.
 2 BY MS. JAMES:
 3 Q Based on your understanding.
 4 A No.
 5 Q I will take that back from you. Thank you.
 6 Do you agree that as of the date of this raid,
 7 it was the custom of the police department that when
 8 raiding an establishment that was selling alcohol without
 9 a license or selling after 2:00 a.m., to charge all
 10 persons in the building with loitering in a place of
 11 illegal occupation and seizing their vehicles under the
 12 nuisance abatement statute?
 13 MR. ASHFORD: Objection, form and foundation.
 14 THE WITNESS: Okay. Can you rephrase that
 15 please?
 16 MS. JAMES: Can you repeat it back?
 17 (WHEREUPON, the Reporter read back
 18 the last question.)
 19 THE WITNESS: Yes.
 20 BY MR. JAMES:
 21 Q Do you know what a person has to do to get their car back
 22 when it's seized under the nuisance abatement statute?
 23 A No, not off the top of my head, no.
 24 Q Do you know whether or not a person can pay an amount of
 25 money in order to get it back? If you don't know, that's

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1 that's inconsistent in terms of date; is that fair?
 2 A Yes.
 3 Q Okay. So let's assume this page may be misfiled, and
 4 disregard that particular page for now.
 5 A All right.
 6 Q Unless there is some reason that it should come to our
 7 attention. Otherwise, let's assume it's not part of this
 8 raid report.
 9 A All right.
 10 Q Okay. So ignoring the July firearms report, can you tell
 11 me what you remember about the February 2008 raid?
 12 A I just remember it being an apartment building.
 13 Q Okay. So on page 1 -- I think we're both looking at the
 14 same page here. Where it says location, 45 Grand River,
 15 the apartment, the apartment isn't the name of a place;
 16 it's an actual apartment?
 17 A Actually, it's an apartment building, and each level has
 18 -- I believe it's like lofts. I think each floor is a
 19 loft or something to that effect.
 20 Q A residential building?
 21 A Yes.
 22 Q So taking a look at this report, can we agree that it
 23 appears as though there were approximately 106 people who
 24 were charged? I believe most of them are charged with
 25 loitering in a place of illegal occupation. I'll tell

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1 okay.
 2 A I don't know.
 3 Q That's fine. Do you know whether the city stands to gain
 4 financially in any way by the abatement of vehicles?
 5 A I don't know.
 6 MS. JAMES: This will be Exhibit No. 7.
 7 (WHEREUPON, Deposition Exhibit 7
 8 was marked for identification.)
 9 BY MR. JAMES:
 10 Q You don't need to look at every detail of this, but I
 11 would like you to just skim through this document, Exhibit
 12 No. 7, and tell me if you recall this particular raid.
 13 A I vaguely remember this one.
 14 Q Okay. Can you tell me what you do remember about it?
 15 A How many raids are we talking?
 16 Q What I have handed you is one raid as I understand it.
 17 A Okay. Because I have the date on this firearms report is
 18 July 12th of '08, but yet the CRISNET reflects report date
 19 of February 23rd of '08.
 20 Q Let me take a look at this and make sure it's not mixed
 21 up.
 22 A You have two different recovery places. This is 10341
 23 West Six Mile. The CRISNET says 45 Grand River.
 24 Q Let's do this. The firearms report dated July 12th, 2008,
 25 appears to be the only page in this series of documents

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1 you, I have looked at it. There are a handful that were
 2 charged with engaging in illegal occupation. Can we agree
 3 that that appears to be the case in this report?
 4 MR. ASHFORD: Objection, no foundation. Start
 5 from the back.
 6 MS. JAMES: Yeah. I think they're backwards for
 7 some reason.
 8 MR. ASHFORD: I just figured that out.
 9 BY MS. JAMES:
 10 Q I can ask the question again if you got lost in the
 11 counting.
 12 A I did.
 13 Q The question is: Can we agree that based upon this
 14 report, it appears as though 106 people have been charged
 15 with some kind of violation? The majority of them appear
 16 to have been charged with loitering in a place of illegal
 17 occupation, and a few of them have been charged with
 18 engaging in illegal occupation; is that fair?
 19 A Yes.
 20 Q Do you recall what the illegal occupation was that was
 21 occurring at this location?
 22 A I don't recall.
 23 Q Do you recall whether there was anyone that was present at
 24 this location who was not charged with a crime?
 25 A I don't know.

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22 (Pages 82 to 85)

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1 Q Okay. Do you know whether there were any vehicles seized
2 in this raid?
3 A I don't know. What does the CRISNET say?
4 Q Well, I have looked at the CRISNET, and I haven't seen any
5 notation on there that vehicles were seized, so I'm asking
6 you based on your memory. Do you recall whether any
7 vehicles were seized?
8 A I don't recall.
9 Q Okay. Do you remember a raid at a location that was known
10 as the Cozy House? Does that ring a bell?
11 A No.
12 Q No? I'm going to hand you what's being marked as Exhibit
13 8.
14 (WHEREUPON, Deposition Exhibit 8
15 was marked for identification.)
16 BY MS. JAMES:
17 Q And, again, I don't need you to read this in detail, but I
18 would like you to skim over it and tell me if in skimming
19 over it helps you to recall whether or not you
20 participated in a raid at a location known as the Cozy
21 House. If looking at this does not refresh your memory,
22 just let me know.
23 A Okay. I vaguely remember this one as well.
24 Q Okay. Understanding that your recollection is vague, can
25 you tell me anything about it that you do remember?

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1 A It was a storefront establishment. I believe at one point
2 it used to be a restaurant of some sort.
3 Q And can we agree that based on the CRISNET report -- If
4 you look at the page numbers that are in the lower
5 left-hand corner, there is a CRISNET report that begins at
6 page 200.
7 A What are you looking at?
8 Q This number down in the lower left-hand corner. They are
9 front and back, too, so there you go. Okay. So looking
10 at this CRISNET report that starts on page 200 in the
11 lower left-hand corner, it goes on for six pages, and
12 there are 107 defendants listed. So based on this report,
13 is it fair for us to agree that it appears as though 107
14 people were issued some kind of criminal citation; is that
15 fair? Can we agree that based on this report, it appears
16 as though 107 people were issued criminal citations? It
17 goes on to page 6 in the upper right-hand corner.
18 A I don't see the list of people. I mean, mine, I have got
19 Defendant 13.
20 Q Can I see your copy so I can help you out here? It's
21 printed two sides, so this is our page 1, this is our page
22 2, through page 6. This is where I am. Sorry about the
23 confusion.
24 A Okay. I'll agree.
25 Q Okay. And based on this report, again, the vast majority

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1 appear to have been cited with loitering in a place of
2 illegal occupation, although I will tell you, in having
3 reviewed it, there are some engagers and at least one
4 public urination citation. But for those that refer to
5 illegal occupation, do you know what the illegal
6 occupation was that was occurring at that location?
7 A I don't recall.
8 Q Okay. All right. I'll take that back. Thanks.
9 Do you know, when an officer writes a ticket for
10 loitering in a place of illegal occupation, is it fair to
11 say that a copy is given to the subject, and the police
12 department keeps a copy of that ticket?
13 A Yes.
14 Q Okay. And how many copies does the police department
15 keep, if you know? Is it a single copy or more than that?
16 A Depends.
17 Q Okay.
18 A Is it a uniform citation, or is it a miscellaneous order?
19 Q I see. Can you explain the difference between those two
20 things?
21 A Miscellaneous order has the court copy, the defendant's
22 copy, and then the actual police copy; where a uniform
23 citation, you have got -- depending if the officer is
24 writing him a misdemeanor or a civil infraction, those are
25 two copies, the actual court copy, I think there's two or

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1 three other copies with it, so there's roughly five
2 copies --
3 Q Oh, wow.
4 A -- on the uniform citation versus a miscellaneous order.
5 Q I see. Do you know which type of document was issued at
6 the May 2008 raid?
7 A Miscellaneous order.
8 Q So the miscellaneous order, I'm sorry, had how many
9 copies?
10 A It's actually two green copies -- well, actually, the
11 original, a white copy, and a green copy, and the white
12 copy is usually given to the person issued the ticket.
13 Q I see. And then what happens with the other copies?
14 A One goes to -- Once it's processed, it's taken Downtown to
15 36th District Court.
16 Q Okay. And then there's a copy retained by the police
17 department; is that right?
18 A Yes. For the most part, they will retain their copy, and,
19 again, depending on what the ordinance is, sometimes it
20 might go with a court jacket or file jacket, or the
21 officer may retain it to testify from it.
22 Q So is my understanding correct that what an officer does
23 to -- I'm not sure what the right word is. If you want to
24 proceed with this case, you have ticketed someone and you
25 want, you know, the legal process to take its course, all

Anthony Potts, Sgt.

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23 (Pages 86 to 89)

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1 you have to do is submit that ticket to 36th District
2 Court; is that fair?
3 A Yes, and the court will issue -- will send him -- will
4 send the defendant a court date.
5 Q Okay. Is there any step in between where the citation is
6 reviewed? For example, when you have done this before, do
7 you have to submit it to any kind of supervisor for
8 review?
9 A Once the supervisor checks it, it's taken down to 36th
10 District Court. It's tabulated, then it's taken down.
11 Q I want to back up. This is my last series of questions, I
12 think. And now that we have gone through the raid in
13 question here, I want to back up and ask you if you recall
14 any training on certain things. So at any point between
15 attending the police academy and the present, do you
16 recall receiving any training that was specific to the
17 City of Detroit ordinance that authorizes ticketing people
18 for loitering in a place of illegal occupation?
19 A I remember receiving training, but I couldn't tell you the
20 exact date and time in which I received it, but I'm sure I
21 have before.
22 Q What do you remember about that training, if you recall?
23 A Other than the normal statute, you can't sell liquor after
24 two, minors can't be present on site, and, you know, some
25 of the prostitution laws and ordinances, as far as

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1 offering to engage, utter -- not utter and publishing --
2 accosting and soliciting.
3 Q And is it fair to say that what you just listed were the
4 illegal activities?
5 A Yes.
6 Q And of the illegal activities that you just listed or from
7 anything that you remember, do you remember what illegal
8 activity or what illegal occupation was occurring at the
9 CAID?
10 A I can't recall.
11 Q Okay. Do you recall any specific training that you have
12 received on the Michigan nuisance abatement statute?
13 MR. ASHFORD: Objection, asked and answered.
14 THE WITNESS: I can't recall anything right at
15 this particular moment, no.
16 BY MS. JAMES:
17 Q Okay. Do you recall any specific training about the
18 procedures for blind pig raids?
19 A What type of procedures?
20 Q Do you recall any specific training on how to conduct
21 blind pig raids?
22 A I don't recall.
23 Q Okay. Do you recall -- These ones are a little more
24 general. You may recall these better.
25 MR. ASHFORD: Can I interrupt you a moment?

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1 MS. JAMES: Sure.
2 MR. ASHFORD: How much longer do you have?
3 MS. JAMES: I have three more questions.
4 MR. ASHFORD: Because I have a kid waiting for
5 me. Go ahead.
6 MS. JAMES: I'm not always getting prompt
7 answers here. I wish I could go faster.
8 MR. ASHFORD: Okay.
9 BY MS. JAMES:
10 Q Do you recall specific training on how to execute search
11 warrants?
12 A Yes.
13 Q And the training that you're thinking of, as you remember
14 this, when did that occur, if you recall?
15 A I've had it several times throughout my career.
16 Q Okay. How often would you say you have had it?
17 A I can't pin down frequency, but about -- frequent enough.
18 Q Okay. When you have received training on the execution of
19 search warrants, do you recall having been shown any
20 written materials or videos, if you recall?
21 A I don't recall.
22 Q Can you estimate approximately how long ago your most
23 recent training on that subject has been?
24 A Maybe a year ago.
25 Q Okay. Do you recall receiving training on constitutional

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1 standards? And what I mean by that is, in your police
2 training, do you recall anyone ever explaining what you
3 can or cannot do according to the U.S. Constitution?
4 A Yes.
5 Q Okay. And how often have you been trained on that, if you
6 recall?
7 A Annually.
8 Q Okay. When was your most recent annual training on that
9 subject, if you recall?
10 A February of this year.
11 Q And do you recall, in your February of this year training,
12 whether you received any written materials on the subject,
13 received or reviewed? Was anything shown to you?
14 A Might have been a PowerPoint.
15 Q Okay. Do you recall where that training took place?
16 A Police academy.
17 Q And is that an operation that's run by the Detroit Police
18 Department?
19 A Yes.
20 MS. JAMES: Let me consult with these two for
21 one second, but I think we're tidy.
22 (Discussion outside the record.)
23 BY MS. JAMES:
24 Q Last question and hopefully a quick response. You have
25 already testified that there was a briefing prior to the

Anthony Potts, Sgt.

10/4/2011

24 (Pages 90 to 91)

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1 May 2008 CAID raid. Were you told at that briefing what
 2 illegal activity was occurring at that location?
 3 A Vice-related activity.
 4 Q And is that what you were told?
 5 A Yes.
 6 Q You weren't told anything more specific than that?
 7 A If they went into great detail, I couldn't recall.
 8 Q And what is your understanding of vice-related activities?
 9 What illegal activities?
 10 A The things I stated earlier, the prostitution, the illegal
 11 alcohol sales, et cetera, et cetera, et cetera.
 12 MS. JAMES: Okay. I think we're good. Thank
 13 you.
 14 (Deposition concluded at 5:30 p.m.)

- - -

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1
 2 STATE OF MICHIGAN)
 3) ss.
 4 COUNTY OF OAKLAND)

I, Denise Moorfoot, a Notary Public in and for

5 the above county and state, do hereby certify that the
 6 witness, whose attached deposition was taken before me in
 7 the entitled cause on the date and the time and place
 8 hereinbefore set forth, was by me first duly sworn to
 9 testify to the truth, the whole truth and nothing but the
 10 truth; that the testimony contained in said deposition was
 11 by me reduced to writing in the presence of said witness
 12 by means of stenography; that said testimony was
 13 thereafter reduced to written form by mechanical means;
 14 and that the deposition is, to the best of my knowledge
 15 and belief, a true and correct transcript of my
 16 stenographic notes so taken.

17 I further certify that I am not of counsel to
 18 either party nor interested in the event of this case.

19 *Denise Moorfoot*
 20 Denise Moorfoot
 21 Notary Public, Oakland County
 22 Acting in the County of Wayne
 23 My commission expires: 10-30-11
 24
 25



EXHIBIT 24

Kathleen Singleton

1/12/2012

Page 1

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

4 IAN MOBLEY, KIMBERLY MOBLEY,
5 PAUL KAISER, ANGIE WONG, JAMES
6 WASHINGTON, NATHANIEL PRICE,
7 JEROME PRICE, STEPHANIE HOLLANDER,
8 JASON LEVERETTE-SAUNDERS, WANDA
9 LEVERETTE, DARLENE HELLENBERG,
10 THOMAS MAHLER, and LAURA MAHLER,

11 Plaintiff,

12 -vs-

No: 10-cv-10675
HON. VICTORIA A. ROBERTS
MAG. JUDGE MONA K. MAJZOUB

13 CITY OF DETROIT, a municipal
14 corporation; LIEUTENANT VICKY YOST,
15 a Detroit police officer, in her
16 individual capacity; SERGEANT DANIEL
17 BUGLO, a Detroit police officer, in
18 his individual capacity; SERGEANT G.
19 McWHORTER, a Detroit police officer,
20 in his/her individual capacity;
21 SERGEANT A. POTTS, a Detroit police
22 officer, in his/her individual capacity;
23 SERGEANT CHARLES TURNER, a Detroit police
24 officer, in his individual capacity;
25 OFFICER M. BROWN, a Detroit police officer,
in his/her individual capacity; OFFICER
B. COLE, a Detroit police officer, in
his/her individual capacity; OFFICER TYRONE
GRAY, a Detroit police officer, in his
individual capacity; OFFICER SHERON JOHNSON,
a Detroit police officer, in her individual
capacity; OFFICER K. SINGLETON, a Detroit
police officer, in his/her individual
capacity, and UNNAMED DETROIT POLICE
OFFICERS, in their individual capacities,

26 Defendants.

27 _____/

28

29 Pages 1 - 65.

Kathleen Singleton

1/12/2012

2 (Pages 2 to 5)

Page 2

Page 4

1 The Deposition of OFFICER KATHLEEN
 2 SINGLETON, taken at 660 Woodward,
 3 Suite 1650, Detroit, Michigan,
 4 commencing at 10:47 a.m.,
 5 Thursday, January 12, 2012,
 6 Before Ann L. Bacon CSR-1297.
 7
 8 APPEARANCES:
 9
 10 MR. DANIEL S. KOROBKIN (P72842) (Not Present)
 11 American Civil Liberties Union Fund of MI
 12 2966 Woodward Avenue
 13 Detroit, Michigan 48201
 14 (313) 578-6824
 15 dkorobkin@aclumich.org
 16 Appearing on behalf of the Plaintiffs.
 17
 18 MR. WILLIAM H. GOODMAN (P14173)
 19 MS. KATHRYN BRUNER JAMES (P71374)
 20 Goodman & Hurwitz, P.C.
 21 1394 East Jefferson Avenue
 22 Detroit, Michigan 48201
 23 (313) 567-6179
 24 bgoodman@goodmanhurwitz.com
 25 Appearing on behalf of the Plaintiffs.

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 13 Deposition Exhibit No. 2 12
 14 (Student Performance Record)
 15 Deposition Exhibit No. 3 37
 16 (DPD Activity Log)
 17 Deposition Exhibit No. 4 41
 18 (Crime Report No. 0805310096.1)
 19 Deposition Exhibit No. 5 45
 20 (Crime Report No. 0805310096.3)
 21 Deposition Exhibit No. 6 53
 22 (DPD Officer Information Report)
 23 Deposition Exhibit No. 7 55
 24 (Sept. 15, 2010 Inter-Office Memo)
 25

Page 3

Page 5

1 APPEARANCES, Continued:
 2
 3 MR. JERRY ASHEORD (P47402)
 4 City of Detroit Law Department
 5 660 Woodward Avenue, Suite 1650
 6 Detroit, Michigan 48226
 7 (313) 237-3089
 8 asfj@detroitmi.org
 9 Appearing on behalf of Defendants.
 10
 11 MS. LEE'AH D.B. GLAQUINTO (P60168) (Not Present)
 12 City of Detroit Law Department-Litigation Section
 13 660 Woodward Avenue, Suite 1650
 14 Detroit, Michigan 48226
 15 (313) 237-3089
 16 basel@detroitmi.gov
 17 Appearing on behalf of Defendants.
 18
 19
 20
 21
 22
 23
 24
 25

1 Detroit, Michigan
 2 Thursday, January 12, 2012
 3 10:47 a.m.
 4 ---
 5 OFFICER KATHLEEN SINGLETON
 6 was thereupon called as a witness herein, after
 7 having been first duly sworn to tell the truth,
 8 the whole truth, and nothing but the truth, was
 9 examined and testified as follows:
 10 EXAMINATION
 11 BY MS. JAMES:
 12 Q. Good morning. My name is Kathryn James. I
 13 already introduced myself off the record, but
 14 I'll introduce myself formally to you now.
 15 A. Okay.
 16 MS. JAMES: And I'm sorry to take up a
 17 moment of your time to do this, but I just want
 18 to state on the record quickly that we're
 19 starting at about quarter to 11 a.m. this
 20 morning. The deposition was noticed for ten
 21 a.m. It's my understanding the law department
 22 had to contact Officer Singleton and get her in
 23 here this morning, so we're starting a little
 24 bit late.
 25 And I also just want to state on the

Kathleen Singleton

1/12/2012

3 (Pages 6 to 9)

Page 6

1 record that our deposition for former Detroit
2 department employee Charles Turner, I understand
3 from my conversation with Mr. Ashford this
4 morning, that we are cancelled for tomorrow.
5 Q. (Continuing, by Ms. James) This deposition is
6 for a civil rights case pending in the Eastern
7 District of Michigan arising out of a raid that
8 occurred at the Contemporary Art Institute of
9 Detroit on May 31st, 2008 and you are a named
10 Defendant in that action. I represent nine
11 people who were charged with loitering in a
12 place of illegal occupation and four people
13 whose cars were towed and subjected to nuisance
14 abatement proceedings at that incident. Let me
15 ask you have you ever been deposed before?
16 A. Yes, ma'am.
17 Q. And do you know approximately how many times?
18 A. I can just remember one right now.
19 Q. Okay. Since you have done this one time before,
20 I'll just remind you of some of the ground
21 rules. When I ask you a question, please answer
22 verbally. Try to avoid nodding your head or
23 saying uh-uh or mm-hmm. If you forget and do
24 that, I might gently remind you to answer
25 verbally because we need to make sure that the

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1 to place on the record I will reserve my right
2 to re-call this witness, if any of the items
3 listed in the duces tecum are subsequently
4 produced, I'd reserve my right to re-call the
5 witness and question her about it. That's it
6 for that. I'll take it back if you'd like.
7 A. I don't get to keep it?
8 Q. (Continuing, by Ms. James) You can if you want,
9 sure. Did you review anything before your
10 deposition today?
11 A. Yes.
12 Q. And I see that you have a couple of documents in
13 front of you. May I take a look at those?
14 A. It's a log sheet, log sheet.
15 Q. Just for the record, I'm going to state that the
16 first document is an activity log dated May 31st,
17 2008. One of the officers listed on this
18 activity log is Officer Singleton. There is
19 another activity log dated May 30th, 2008, looks
20 like the vice enforcement activity log, and
21 that's it. Thank you. Did you review any of
22 the deposition transcripts for this case?
23 A. No.
24 Q. Okay. I'm going to start off by asking you just
25 some background information. Can you give me

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1 record is clear. If you don't hear my question
2 or you'd like it to be repeated back to you,
3 just let me know. I can repeat it or the court
4 reporter can read it back to you. Likewise, if
5 you don't understand my question or if it's not
6 clear to you, you can ask me for clarification,
7 and please feel free to do so. And you're being
8 represented here today by Mr. Ashford from the
9 City of Detroit Law Department. He may make an
10 objection periodically throughout the deposition,
11 and if he does so, give him a moment to state
12 his objection, but unless he instructs you not
13 to answer, then you should answer after he's
14 completed his objection. Do you understand all
15 of those things I just discussed?
16 A. Yes, ma'am.
17 Q. All right. Thank you. First, I'm going to mark
18 for the record Exhibit No. 1, the fourth dep notice.
19 (Marked Exhibit No. 1.)
20 Q. (Continuing, by Ms. James) Here's a copy for you
21 to take a look at. Just take a quick moment to
22 take a look at it, and to your knowledge have
23 you seen this document before today?
24 A. No.
25 MS. JAMES: Okay. And I'm just going

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1 your full name and your badge number please?
2 A. Kathleen Marietta Singleton.
3 Q. Can you spell Marietta?
4 A. M-a-r-i-e-t-t-a. M-a-r-i-e -- no. M-a-r-i-e-t-t-a.
5 Q. Okay. Thank you. And what's your current
6 department and rank in the --
7 A. Police officer, Detroit Police Department. I am
8 assigned to Eastern District, but assigned out
9 to human resources.
10 Q. Okay. And how long have you been with that
11 assignment?
12 A. Which assignment?
13 Q. Human resources?
14 A. Year and a half.
15 Q. Okay. And how about assigned to the Eastern
16 District?
17 A. I was assigned to Eastern District February
18 2009.
19 Q. Okay. Where did you graduate from high school?
20 A. Chadsey.
21 Q. I'm sorry?
22 A. Chadsey, C-h-a-d-s-e-y. That's in Detroit.
23 Q. Gotcha. And what year was that?
24 A. '91.
25 Q. Okay. And did you attend any college institution?

Kathleen Singleton

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4 (Pages 10 to 13)

Page 10

1 A. I've taken college courses.
 2 Q. And where would that be?
 3 A. Wayne County Community College, one in Maryland.
 4 I can't remember the name of it.
 5 Q. The one in Maryland, was that online?
 6 A. No.
 7 Q. You attended classes in Maryland?
 8 A. Yes.
 9 Q. Okay. And have you completed any degrees or
 10 certifications?
 11 A. No.
 12 Q. And what area for the classes that you have
 13 taken, what area of study were those?
 14 A. I don't remember, they were so long ago, just
 15 basic classes.
 16 Q. Okay. Now, prior to being hired at the Detroit
 17 Police Department, what kind of work were you
 18 in? Did you work as a law enforcement officer
 19 anywhere else?
 20 A. No, I was a skilled worker at Thornapple Valley.
 21 Q. Did you have any law enforcement experience
 22 prior to the Detroit Police Department?
 23 A. No.
 24 Q. Okay. And did you take your police academy
 25 training through the Detroit Police Department?

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1 A. Yes.
 2 Q. And when was that?
 3 A. '96, 9/30/96.
 4 Q. Is 9/30/96 when you completed or when you began?
 5 A. It was when I started at the police department.
 6 Q. Gotcha. And is that also your date of hire?
 7 A. Yes.
 8 Q. Okay. Upon completing the academy, what was
 9 your first -- to what unit or department were
 10 you first --
 11 A. Fourth Precinct.
 12 Q. I'm sorry. I'm going to slow you down a little
 13 bit so I can finish my question just so the
 14 record is clear. I know that you know what's
 15 coming.
 16 A. Okay.
 17 Q. So you started off at the Fourth Precinct?
 18 A. Right.
 19 Q. Okay. As an officer?
 20 A. Police officer, yes.
 21 Q. Okay. Have you ever applied for a promotion
 22 that you were denied?
 23 A. No, not applied for one.
 24 Q. Okay. Have you received any promotions?
 25 A. No. I took the promotional test. That was it.

Page 12

1 Q. Okay. When did you take the promotional test?
 2 A. I don't remember.
 3 Q. More than a year ago?
 4 A. Oh, yeah, way more than a year ago.
 5 Q. Okay. And how long were you at the Fourth
 6 Precinct?
 7 A. I was at the Fourth Precinct from March '97 to
 8 November of '02.
 9 Q. And where did you go --
 10 A. Narcotics from November of '02 to February of,
 11 what did I say, '09.
 12 Q. Okay. And at that time, that's when you went to
 13 Eastern District, is that right?
 14 A. Yes, ma'am.
 15 Q. Okay. I'll hand you what's being marked as
 16 Exhibit No. 2, and just for the record in the
 17 upper left-hand corner the top page says Student
 18 Performance Record.
 19 (Marked Exhibit No. 2.)
 20 Q. (Continuing, by Ms. James) Just starting with
 21 the very first page, I note that up towards the
 22 upper middle toward the right-hand side there's
 23 a set of dates from 9/30/96 to February 24, '97.
 24 Are those the dates that you attended the academy?
 25 A. Was in the academy, yes.

Page 13

1 Q. I'm sorry. I just need to remind you again to
 2 wait until I'm finished just so the record is
 3 clear.
 4 A. Okay.
 5 Q. Have you ever seen this document before?
 6 A. Nope.
 7 Q. Okay. I'll ask you to turn the page and then
 8 the following pages are marked in the upper
 9 left-hand corner, page one of five and so forth
 10 through five of five. Have you ever seen this
 11 record before?
 12 A. No.
 13 Q. Okay. I'll have you just take a minute to
 14 peruse it.
 15 A. Go ahead with your questions.
 16 Q. Okay. Do you recognize -- does this appear to
 17 reflect the training that you've received while
 18 employed at the Detroit Police Department?
 19 A. If it says it in here, then yes. Yes.
 20 Q. Okay. Is there any additional training that you
 21 can recall at this time that's not listed on here?
 22 A. Not that I can recall at this time.
 23 Q. Okay. Have you ever received any specific
 24 training regarding the Detroit city ordinance
 25 that authorizes ticketing people for loitering

Kathleen Singleton

1/12/2012

5 (Pages 14 to 17)

Page 14

Page 16

1 in a place of illegal occupation?
 2 A. The one in the academy is the only one that I
 3 can remember.
 4 Q. Okay. And in that academy in the training --
 5 I'm sorry. Back up. In that training in the
 6 academy I should say were there any written
 7 materials that you recall?
 8 A. Not that I recall. It was so long ago.
 9 Q. Okay. Have you ever received any specific
 10 training on enforcement of the Michigan nuisance
 11 abatement statute that you recall?
 12 A. Not that I recall.
 13 Q. Okay. Have you received any specific training
 14 on blind pig raids that you recall?
 15 A. No.
 16 Q. Okay. Have you received any specific training
 17 on the use of force other than what's listed in
 18 Exhibit No. 2?
 19 A. Nothing other than what's listed.
 20 Q. Okay. As you sit here today, do you recall ever
 21 receiving any written materials regarding the
 22 training of use of force?
 23 A. I do recall receiving written materials, but I
 24 don't know when.
 25 Q. Okay.

1 section?
 2 A. How many work narcotics?
 3 Q. Yes.
 4 A. Absolutely not. I have no idea.
 5 Q. Can you give me a ballpark? Is it dozens?
 6 A. More than five. There is no way I can remember
 7 how many people were working narcotics.
 8 Q. Can you give me some kind of a ballpark? Is it
 9 less than 100?
 10 A. More than five.
 11 Q. That's the best you can do?
 12 A. Yes, ma'am. I mean you're asking me how many
 13 people work narcotics in '08? It's 2011.
 14 Honestly, I don't remember.
 15 Q. So you can't recall three years ago approximately
 16 how many people --
 17 A. How many officers?
 18 Q. Let me finish my question. You can't recall
 19 three years ago approximately how many people
 20 worked in narcotics other than to say more than
 21 five?
 22 A. We can say more than 50.
 23 Q. Okay.
 24 A. Is that a little bit better number?
 25 MR. ASHFORD: Don't ask her questions.

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Page 17

1 A. Don't remember.
 2 Q. Is it your habit to keep written materials when
 3 you receive them in training?
 4 A. No.
 5 Q. I'd like to draw your attention to the time
 6 period near May 31st, 2008. I believe during
 7 that time you were assigned to narcotics, is
 8 that right?
 9 A. Yes, ma'am.
 10 Q. Can you describe to me where narcotics falls in
 11 the DPD structure? In other words, is it a
 12 sub-unit within another unit or is it a single
 13 unit in and of itself?
 14 A. It's a unit by itself. It's a bureau or a
 15 section. They changed it a couple times. I'm
 16 not sure what it's called. I think it falls
 17 under organized crime now.
 18 Q. I see. Okay. But at the time you were working
 19 there, it did not fall under organized crime?
 20 A. I can't answer that because it's changed
 21 multiple times, so I just call it narcotics.
 22 Q. Okay. And at the time that you were there,
 23 actually, more specifically during the time
 24 period around May 31st, 2008, can you recall
 25 approximately how many officers were in that

1 Q. (Continuing, by Ms. James) I don't know the answer.
 2 A. I'm sorry. I apologize.
 3 Q. ~~That's okay. I don't know the answer. It's not~~
 4 a right or wrong question because I don't know
 5 the answer. I'm looking to you to give me
 6 whatever information you can recall.
 7 A. Then I can't give that answer. I'm not sure.
 8 Q. Okay. Are you withdrawing your more than 50
 9 answer?
 10 A. Leave 50, just leave 50, just leave that, yeah.
 11 MR. GOODMAN: It's 2012.
 12 A. Thank you. Yeah. So that gives me a four-year
 13 difference.
 14 MR. GOODMAN: I thought I'd help you
 15 out there.
 16 A. Thank you.
 17 Q. (Continuing, by Ms. James) What were the special
 18 duties of the Narcotics Bureau when you worked
 19 there?
 20 A. Could you rephrase that? I don't understand.
 21 Q. Sure. It seems somewhat evident from its title
 22 that narcotics has something to do with the
 23 enforcement of drug laws, is that fair?
 24 A. Yes.
 25 Q. Okay. So can you elaborate on that a bit for

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6 (Pages 18 to 21)

Page 18

1 me? What does the narcotics bureau do that's
2 different from other units within the DPD?
3 A. We raid houses.
4 Q. Anything else?
5 A. No, because other units can enforce narcotic
6 laws, so we raid houses.
7 Q. Okay. During that time period, around May 31st,
8 2008, what was the relationship between the
9 Narcotics Bureau and vice enforcement?
10 A. What do you mean?
11 Q. Okay. Were there ever times where the narcotics
12 unit in your experience would work on operations
13 with vice enforcement?
14 A. Yes.
15 Q. Okay. So can you describe for me under what
16 circumstances that would occur?
17 A. If they asked for help.
18 Q. Okay. And to your knowledge what kinds of
19 situations would vice enforcement ask narcotics
20 for help with?
21 A. I mean it could be a wide range of things.
22 That's not -- I can't answer that question. If
23 they ask for help.
24 Q. Okay.
25 A. On anything, if they ask for help.

Page 19

1 Q. So based on your memory, what kinds of operations
2 do you recall assisting vice enforcement as a
3 narcotics officer?
4 A. Raids.
5 Q. Okay. Raids of any particular kind of place?
6 A. We did adult entertainment clubs.
7 Q. Okay. Anything else that you can recall?
8 A. Illegal parties, after-hour parties. That's it
9 that I can remember.
10 Q. So if I use the term blind pig, what does that
11 mean to you?
12 A. After-hours party.
13 Q. Okay. And during your time on narcotics, did
14 you participate in raids of blind pig operations?
15 A. Yes.
16 Q. Okay. And approximately how many times do you
17 think you participated in such a raid?
18 A. I don't know exactly. More than two.
19 Q. Okay. Do you think it could have been more than
20 ten?
21 A. I'm going to say more than two because I'm not
22 going to -- I can't answer. It's a long time
23 that I was in narcotics.
24 Q. I understand you can't give me a precise number.
25 A. Right, okay.

Page 20

1 Q. I'm asking if you can give me a ballpark. That's
2 all.
3 A. More than ten.
4 Q. Okay. And let me think how I want to ask this
5 question. Give me a moment please. The more
6 than two blind pig raids that you participated
7 in, were those -- did they occur within a
8 certain time period?
9 A. I can say they occurred while I was at narcotics.
10 Q. Okay. Did you ever participate in a blind pig
11 raid as a member of any unit other than narcotics?
12 A. No.
13 Q. Okay. Now, when narcotics was asked to
14 participate in a blind pig raid, what is your
15 understanding of the role of narcotics officers?
16 A. Assist.
17 Q. What does that mean? Assist doing what?
18 A. Assist entering the location, securing the
19 location.
20 Q. Okay. So once the location is entered and
21 secured, was the narcotic team done essentially
22 or was there anything further than that?
23 A. No, we would stick around for presence or write
24 tickets or, you know, we would assist, whatever
25 they asked us for.

Page 21

1 Q. Okay. And based on your memory, are there any
2 other units that would assist narcotics in the
3 entry role or was that exclusively a narcotics
4 role?
5 A. Oh, I don't know because if you had TSS there,
6 TSS would assist. If you had SRT, that's not
7 something you can easily answer.
8 Q. I see. Let me ask this. Are entry duties
9 typically limited to certain discreet units?
10 Does that make sense?
11 A. No.
12 Q. Okay. Can any police -- let me rephrase that.
13 In your experience would it be typical for an
14 officer from any given unit to participate in an
15 entry?
16 A. Yes.
17 Q. Okay. So entries wouldn't necessarily be
18 limited to narcotics or SRT?
19 A. No.
20 Q. I see. Okay. In your experience in more than
21 two blind pig raids, have you ever generated any
22 of your own reports, be it PCRs, CRISNET,
23 activity log regarding your participation in
24 that raid?
25 A. Yes, I would have done that.

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7 (Pages 22 to 25)

Page 22

1 Q. Okay. And --
 2 A. I would have done an activity log, definitely.
 3 Q. Okay. Do you recall ever doing a PCR or a CRISNET
 4 or a narrative report?
 5 A. For this one or for any?
 6 Q. For any blind pig raid.
 7 A. I can't remember.
 8 Q. Okay. Now we are going to focus in on this
 9 particular raid on May 31st, 2008, okay?
 10 A. Okay.
 11 Q. Who gave you your instructions for this particular
 12 raid?
 13 A. I don't remember. Whoever was in charge of vice
 14 because it was a vice operation, so they would
 15 have done it.
 16 Q. Okay. And who would you name as your commander
 17 for this particular operation?
 18 A. It was a vice operation.
 19 Q. Okay. So is there a particular person within
 20 vice who would have had the commanding role?
 21 A. I don't remember what happened or the basis of
 22 this, as I explained to -- what I can tell you
 23 is that whoever did the briefing at vice,
 24 whoever was running the actual operation would
 25 have done that. I do not remember who it was.

Page 23

1 It was not our case. We were just assisting.
 2 Q. Okay.
 3 A. ~~So it was not something that I would try to~~
 4 remember every detail to.
 5 Q. Okay.
 6 A. Okay?
 7 Q. Fair enough. So was it someone at vice who made
 8 the decision to charge everyone with loitering
 9 in a place of illegal occupation?
 10 A. That would have been vice.
 11 Q. Okay. And do you recall when that decision was
 12 made?
 13 A. I do not.
 14 Q. And I apologize. I just need to follow-up a
 15 little bit.
 16 A. No problem.
 17 Q. Do you have any recollection of whether that
 18 decision was made before or after entry into the
 19 building?
 20 A. I do not. That I wouldn't know.
 21 Q. Okay. As a general rule in the few, the more
 22 than two blind pig raids that you've participated
 23 in, do you recall whether you ever got instructions
 24 before entry was made as to what people were
 25 going to be ticketed with?

Page 24

1 A. You wouldn't give information -- you wouldn't
 2 pre-charge somebody with something until you
 3 enter the location.
 4 Q. Okay.
 5 A. That's just -- no, I wouldn't have gotten that
 6 information prior to the raid. That's just --
 7 Q. All right. To your knowledge would there be any
 8 documents for this raid that would describe what
 9 each officer was assigned to do the night of the
 10 raid?
 11 A. You have to check with vice. To my knowledge, I
 12 wouldn't know.
 13 Q. Okay. Did you create any documents regarding
 14 what your actions were that night?
 15 A. No.
 16 Q. Okay. Let's talk about the briefing for just a
 17 moment. Were you present at a briefing prior to
 18 this raid?
 19 A. Practices are you would be present to a briefing
 20 prior to entering the location. What was said
 21 at the briefing, I have no idea.
 22 Q. So are you saying that you don't remember
 23 whether or not you were at a briefing, but --
 24 A. No, I'm telling you that you would have to be at
 25 a briefing in order to assist the unit into

Page 25

1 entering the location, so there might have been
 2 a briefing on the location is at ABC spot. It's
 3 ~~this wide. It's this many doors. You would~~
 4 have gotten general information on it. You
 5 would have gotten, you know, just the basic
 6 information on the location before you would
 7 raid blind pigs, anything, before you do
 8 anything. You will get a pre -- you know, just
 9 this is the basis of it, but that was it. What
 10 was said in '08 on something that I wasn't even
 11 part of getting together or anything, I wouldn't
 12 even come close to remembering because it was
 13 vice. It had nothing to do with narcotics. We
 14 were just assisting another unit, so me assisting
 15 another unit, I'm not going to remember any other
 16 details because it wouldn't be something that
 17 would be important enough for me to remember.
 18 Q. So what you were describing to me a moment ago
 19 is what typically occurs?
 20 A. Typically.
 21 Q. But you don't recall this particular briefing?
 22 A. I absolutely do not recall the briefing on this
 23 one, but what typically would happen prior to
 24 you doing any type of raid, you would discuss
 25 the raid. You would discuss. They will let you

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8 (Pages 26 to 29)

Page 26

1 know, not that we would read it, if there was a
 2 search warrant or if there was any other
 3 documentation, it would be typically in a
 4 discussion, in a raid discussion and that would
 5 be it.
 6 Q. Okay. And during those briefings, would you be
 7 told whether or not there was any surveillance
 8 information about weapons being present at the
 9 location?
 10 A. Yeah, you would be told. Was I told? I don't
 11 remember. I don't remember.
 12 Q. Okay. But at a pre-raid briefing, it would be
 13 important for the undercover officers to give
 14 the raid team as much information as they had
 15 about what they're about to encounter. Is that
 16 fair?
 17 A. It would be important for the person who was
 18 conducting the raid briefing to give the
 19 information. It may not necessarily be that
 20 undercover officer. Whoever is giving that raid
 21 briefing would be the one to give us any type of
 22 important information that is needed into
 23 entering that location or to make that location.
 24 Q. Where do the people who are running the briefing,
 25 where do they get their information from?

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1 A. I don't know.
 2 Q. Okay. Is it fair to say that sometimes it comes
 3 from the undercover operations?
 4 A. I can't answer that.
 5 Q. Okay. Have you ever participated in an undercover
 6 operation prior to a raid?
 7 A. Yes.
 8 Q. Okay. And when you've done that, part of what
 9 you're doing is gathering information so that
 10 when a raid occurs you can make the best
 11 strategic plan based on the information that
 12 you've gathered. Is that fair?
 13 A. In certain situations. That's a hard question
 14 to answer because there's so many different
 15 variables that would be included, so in certain
 16 incidents, yeah, it might be at that briefing
 17 and can give you information that I found out or
 18 I might not be at that briefing. I may have
 19 told my supervisor or somebody else who would
 20 have relayed that. It's not something you can
 21 just say, yep, that's how it goes, cookie
 22 cutter. It's not like that. It depends.
 23 Q. But assuming that an undercover operation reveals
 24 information that would be used --
 25 A. You would --

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1 Q. Hold on just a second. If it reveals information
 2 that would be helpful to the raid team, then it
 3 would be important for the undercover officers to
 4 either give that information at the briefing or
 5 give the information to the officers conducting
 6 the briefing. Is that fair?
 7 A. Right. That's what I said earlier. I said that.
 8 Q. I just wanted to make sure we were on the same
 9 page.
 10 A. Yep.
 11 Q. All right. So at these briefings, I know you
 12 mentioned that the warrant is sometimes read, is
 13 that correct?
 14 A. If there is one, then yes, it would have been
 15 read.
 16 Q. Right.
 17 A. Or information would have been given that was
 18 necessary for it.
 19 Q. So the raid that we are talking about on May 31st,
 20 2008, that was a raid that was pursuant to a
 21 warrant, so I think for the purposes of our
 22 discussion, we can assume when we're talking
 23 about raids, we'll talk about raids pursuant to
 24 a warrant, okay? So when there is a briefing,
 25 if there is a warrant, is that always read?

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1 A. It's not read word for word. The key information
 2 would be given off of it.
 3 Q. I see. Okay.
 4 A. If there was a warrant for it. I don't know if
 5 there was.
 6 Q. Right. I'm asking you to assume that what we're
 7 talking about is when there is a warrant, then --
 8 A. Key information would be given off of it.
 9 Q. Okay. And what kinds of, give me some examples
 10 of what the key information might be.
 11 A. As I said earlier with the location, where it's
 12 located, what it looks like, where's the doors,
 13 where is the nearest hospital, stuff like that.
 14 Q. Okay. All right. To your memory are there
 15 typically any documents that are distributed, a
 16 layout of the building, documents regarding
 17 assignments, anything like that?
 18 A. If it was available, it would have been shared.
 19 Q. Okay. But at this particular briefing you don't
 20 recall whether or not there were any documents.
 21 Is that fair?
 22 A. Right.
 23 Q. Okay. So can you recall anything about what
 24 your assignment was at this particular raid?
 25 A. I just assisted. As I stated earlier, there is

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9 (Pages 30 to 33)

Page 30

1 nothing about this that would stand out to help
 2 me remember it. I was part of a raid crew that
 3 was asked to assist vice. I can't even tell you
 4 what my position was.
 5 Q. Okay.
 6 A. Because I don't even remember.
 7 Q. And to your knowledge are there any documents
 8 stating what your position was?
 9 A. To my knowledge, not that I know of, unless you
 10 can check with vice, not that I know of.
 11 Q. Okay. Do you recall anything about the building,
 12 anything that you saw that evening? Do you
 13 recall anything?
 14 A. Not really. He told me, I know it is near Wayne
 15 State, that this location was near Wayne State
 16 and it was on Rosa Parks. That was it.
 17 Q. And do you recall that from reviewing your
 18 activity log or do you recall that from your
 19 memory?
 20 A. Reviewing paperwork.
 21 Q. Okay. So you can't elaborate anymore than you
 22 were assigned to assist vice enforcement, is
 23 that right?
 24 A. That's right. Like I said, it wasn't narcotics,
 25 it was vice, so when you're just assisting --

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1 Q. So you don't recall how you entered the building?
 2 A. No.
 3 ~~Q. Okay. Do you recall whether or not you were~~
 4 part of the initial entry team, the first group
 5 of people in the door?
 6 A. No.
 7 Q. You don't recall whether there was a knock and
 8 announce?
 9 A. No.
 10 Q. You don't recall whether -- you don't recall
 11 what you observed when you entered the building?
 12 A. Honestly, ma'am, I'm not trying to be difficult.
 13 I don't remember it.
 14 Q. Okay. Do you recall who was the person -- well,
 15 do you recall what you were equipped with that
 16 evening?
 17 A. If we're doing a raid, I'm going to have my raid
 18 vest, my regular vest, my weapon. I'm going to
 19 have clear markings that says I'm a police officer.
 20 Q. I'm sorry. Can I interrupt you for just a
 21 moment? What would your weapon be?
 22 A. At the time I think it was a Glock. I think
 23 they were Glocks at the time.
 24 Q. Okay. And I'm sorry, you can continue if there
 25 was anything else.

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1 A. Just we had our raid uniform on, our raid gear.
 2 Q. Would you have a flashlight or anything else in
 3 your hand?
 4 A. Yeah, you would have a flashlight. I don't know
 5 if I had it out. I don't know. If everybody
 6 else had a flashlight, I might not need it in my
 7 hand, but I know I carry a flashlight.
 8 Q. So a flashlight is part of --
 9 A. My uniform.
 10 Q. -- your usual equipment, but you can't recall
 11 whether or not you had it in your hand?
 12 A. If I had it out, right, because if everybody
 13 else had one.
 14 Q. Now, is it also correct that normally someone in
 15 that initial team will have a shotgun, is that
 16 right?
 17 A. Yes.
 18 Q. Do you recall who had the shotgun on that raid?
 19 A. No.
 20 Q. Okay. If you wanted to find out, how would you
 21 find out?
 22 A. You could ask vice.
 23 Q. Would vice necessarily give the instruction as
 24 to who would have the shotgun?
 25 A. They wouldn't necessarily give the instruction

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1 on who would have the shotgun. There was more
 2 than one raid crew assisting. You had vice and
 3 narcotics here, so --
 4 Q. Okay.
 5 A. There is a number of people that could be shotgun
 6 trained to do it, so --
 7 Q. Was there any other units other than vice and
 8 narcotics that you know of?
 9 A. I'm just looking at vice and narcotics right here.
 10 Q. Okay. If you wanted to find out if there were
 11 any units in addition, do you know how you would
 12 find out?
 13 A. Vice. They would have it in their paperwork.
 14 Q. Oh, okay.
 15 MS. JAMES: And I'm just going to state
 16 on the record that at this point in time we have
 17 not yet received a full list of officers who
 18 were involved in this particular raid and at
 19 this late time in discovery, I'm going to be
 20 asking that we -- I'm going to be seeking
 21 sanctions on this issue and I'll ask Mr. Ashford
 22 to stipulate to an extension of discovery, but
 23 it's awfully late in the game to be figuring out
 24 who was actually a part of this raid.
 25 Q. (Continuing, by Ms. James) Now, when you would

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10 (Pages 34 to 37)

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1 enter a building as part of the entry team, would
 2 you have your weapon in your hand or in its holster?
 3 A. If I was entry -- no, yeah, I would.
 4 Q. Okay.
 5 A. If I was entry or even if I was outside
 6 security, I would have my weapon in my hand.
 7 Q. Okay. And I've heard the term from some other
 8 officers low ready. Is that a term that you're
 9 familiar with?
 10 A. Yes.
 11 Q. Can you tell me what that term means to you?
 12 A. Means you have the weapon in your hand, it's
 13 just not aimed or pointed at anybody. It's in a
 14 lowered position, but if any trouble should jump
 15 out, you are ready for it.
 16 Q. And is low ready the position that you would --
 17 A. Typically be in, yes.
 18 Q. I'm sorry. I just have to finish my question.
 19 A. Sorry about that, just guessing.
 20 Q. I'm just trying to get the record clear.
 21 A. I know. Sorry, sorry.
 22 Q. You know what's coming, but let's just clarify
 23 that really quickly. I apologize to take the
 24 time to do this, but when you're part of an
 25 entry team in a raid, would you normally enter

1 A. They could have.
 2 Q. Okay. And under what circumstances might that
 3 occur?
 4 A. If they're doing a pat-down and feel something
 5 in their pocket that is sharp or, yeah, they
 6 would see what it is.
 7 Q. Okay.
 8 A. That's part of doing a pat-down.
 9 Q. But only following a pat-down. Is that fair?
 10 A. Yeah, that's fair.
 11 Q. Okay. How long were you at the Contemporary Art
 12 Institute of Detroit that night?
 13 A. I don't remember.
 14 Q. If you wanted to find out, how could you find out?
 15 A. Check with vice's paperwork.
 16 Q. You don't have any paperwork that says how long
 17 you were there?
 18 A. No, ours -- I'm looking at our activity log and
 19 it says what time we started, what time we got
 20 off. It says everything else, see vice's
 21 activity log.
 22 Q. Okay. All right. I have a copy of your
 23 activity log, too.
 24 MS. JAMES: Let's mark that as an
 25 exhibit.

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Page 37

1 the building with your weapon at a low ready?
 2 A. Yes, ma'am.
 3 Q. Okay. At this particular raid, do you recall
 4 whether any officers moved their gun from a low
 5 ready to actually point it at anyone?
 6 A. I have no idea.
 7 Q. Okay. Do you recall how the subjects at this
 8 particular raid were searched?
 9 A. Pat-down, only because that's how we would have
 10 done it.
 11 Q. Okay. Do you recall whether you -- do you recall
 12 whether you patted down any subjects yourself?
 13 A. Typically I probably would have. Do I know if I
 14 did? I don't remember.
 15 Q. Okay. Do you know whether any officers asked
 16 people to empty or turn out their pockets?
 17 A. It's something that typically would have been
 18 asked, but I do not know if it was done or who
 19 done it.
 20 Q. But it is typical to ask a subject to turn out
 21 their pockets?
 22 A. Well, yes, something to that, yeah.
 23 Q. Okay. In your experience in these kinds of
 24 raids, is it ever appropriate for an officer to
 25 reach into a subject's pockets themselves?

1 (Marked Exhibit No. 3.)
 2 Q. (Continuing, by Ms. James) So we're marking for
 3 the record Exhibit No. 3 a Detroit Police
 4 Department activity log dated May 31st, 2008.
 5 There are four officers including yourself
 6 listed here. Do you recall whether all four of
 7 these officers were involved in the raid?
 8 A. There's six officers listed.
 9 Q. Oh, I'm sorry. I see --
 10 A. Seven actually.
 11 Q. I see Smith, Jackson, Singleton and Johnson. Can
 12 you show me where the other officers are listed?
 13 A. On the first line.
 14 Q. Okay.
 15 A. Where it says disposition up under it.
 16 Q. Okay. Kisselburg, Hopkins and Penn, is that
 17 right?
 18 A. Yep.
 19 Q. So these officers on that top line were also
 20 part of this -- this is their activity log, too,
 21 is that right?
 22 A. This is this raid crew's activity log, so everybody
 23 listed on this activity log is part of one raid
 24 crew.
 25 Q. I see.

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11 (Pages 38 to 41)

Page 38

1 A. And this is our activity log.
 2 Q. I see. Okay. And then the next line, referring
 3 to another officer, that person wasn't on duty
 4 that day, is that right?
 5 A. Right.
 6 Q. Okay. All right. So backing up to my original
 7 question, for the seven people for whom this is
 8 their activity log, is it your understanding
 9 that all seven of these officers were involved
 10 in the raid that evening?
 11 A. According to this activity log, we all worked
 12 that day.
 13 Q. But are you saying that you didn't all necessarily
 14 participate in the raid?
 15 A. It goes back to, ma'am, I honestly don't
 16 remember. Looking on here, all seven of us
 17 worked this day. We all worked from 12 to
 18 eight, and as it states on here, we did a
 19 briefing. We went to the location, then we were
 20 off duty.
 21 Q. Okay.
 22 A. As it says, see raid, vice's raid.
 23 Q. Okay.
 24 A. That's it. I don't know who was where or who
 25 did what.

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1 Q. My question is would the few items that are
 2 listed on here, busy at base, and then 5141 Rosa
 3 ~~Parks executed vice raid, see vice log, do those~~
 4 apply to all seven people?
 5 A. Yes, ma'am.
 6 Q. Okay. Thank you. All right. So to your
 7 knowledge -- well, actually let me back up and
 8 ask one more question. Can you tell by looking
 9 at this who actually prepared the activity log?
 10 A. No.
 11 Q. Okay. If you wanted to find out, how would you
 12 do that?
 13 A. This was in '08. There is no way you could find
 14 out who prepared this activity log.
 15 Q. Okay. So you don't know whether you prepared
 16 this activity log?
 17 A. No, I don't know.
 18 Q. Okay. The signature next to your name up at the
 19 top though, is that your signature?
 20 A. Yes.
 21 Q. Okay. And when you sign an activity log, what's
 22 your understanding of the significance of your
 23 signature?
 24 A. That I agree to what happened on this activity log.
 25 Q. Okay. So to your knowledge, is this the only

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1 document that records in any way your participation
 2 in this raid?
 3 A. To my knowledge, yes.
 4 Q. Okay. In the section in the middle titled Recap
 5 of Activity, do you have any understanding of
 6 why there are zeros in some of these boxes while
 7 the rest are blank?
 8 A. Narcotics didn't make any of these arrests. You
 9 have zero felony, zero misdemeanor. Actually,
 10 probably somebody didn't take the zeros out,
 11 more than likely.
 12 Q. I'm not sure what you mean by that.
 13 A. It would be a recap of the day to go on our stats.
 14 If you're assisting another crew, they're not
 15 your stats. They're that crew's stats.
 16 Q. Okay.
 17 A. So that's what is reflecting our stats.
 18 Q. I guess I'm asking a slightly different question.
 19 Do you have any understanding of why there are
 20 zeros there instead of it simply being blank?
 21 A. No.
 22 Q. Okay.
 23 A. There is no reason for it.
 24 Q. Okay. Just one more clarification question
 25 about this document. I want to make it clear

Page 41

1 I'm not asking you where this location is, but
 2 what does Base 22 refer to?
 3 A. ~~Where narcotics is located.~~
 4 Q. Okay.
 5 A. It's what narcotics precinct I guess you could
 6 say is referred to.
 7 Q. Okay. I see. Do you know what evidence was
 8 found as a result of this raid?
 9 A. No.
 10 MS. JAMES: Okay. I'm going to mark
 11 the fourth exhibit here. This is a -- I'll
 12 pause, let you mark it and then I'll finish.
 13 (Marked Exhibit No. 4.)
 14 Q. (Continuing, by Ms. James) So Exhibit No. 4 just
 15 for the record is a Detroit Police Department
 16 crime report case number 0805310096.1. I'm
 17 sorry. That's the report number.
 18 A. It's the same thing.
 19 Q. Have you ever seen this record before to your
 20 memory?
 21 A. No.
 22 Q. Okay. I'd like to direct your attention to
 23 page, the very bottom of page two, defendant
 24 number 36, Samantha Gold, and according to this
 25 record, Samantha Gold was issued a ticket for

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12 (Pages 42 to 45)

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1 loitering in a place of illegal occupation by
 2 PO K. Singleton. That's you, right?
 3 A. Yes.
 4 Q. Okay. What did you observe Samantha Gold doing
 5 that authorized ticketing her for loitering in a
 6 place of illegal occupation?
 7 A. I don't remember.
 8 Q. Okay. Is it recorded anywhere?
 9 A. I didn't do the report.
 10 Q. Okay. If there was a criminal prosecution
 11 against Miss Gold, would it be typical for the
 12 ticketing officer to be called to testify?
 13 A. Yes.
 14 Q. Okay. And so if you were called to testify about
 15 what you observed her doing, how could you do that?
 16 A. There would be a ticket. She was issued a
 17 ticket, so I could refer to the ticket, but it
 18 wouldn't be this many years later, and if it was
 19 this many years later, I would tell you the same
 20 thing I would tell the judge. I don't remember.
 21 Q. What's usually on the ticket? I realize you
 22 don't remember this ticket, but what's usually
 23 on these tickets?
 24 A. Loitering in a place of illegal occupation.
 25 Q. There's no description about what you observed

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1 this person doing?
 2 A. No.
 3 Q. ~~So there is no documentation about what this~~
 4 ~~person was doing?~~
 5 A. No.
 6 Q. Okay. And I'm afraid I have to ask you the same
 7 questions about defendant number 37, Stephanie
 8 Hollander, and just bear with me. What did you
 9 observe Stephanie Hollander doing that authorized
 10 ticketing her for loitering in a place of
 11 illegal occupation?
 12 A. Go back to the same answer I said before.
 13 Q. And you don't have any documentation of what you
 14 observed her doing?
 15 A. I don't, ma'am.
 16 MS. JAMES: And again, just for the
 17 record, we've requested and not received the
 18 tickets that were issued that evening and we
 19 continue to strenuously request them.
 20 Q. (Continuing, by Ms. James) When these tickets
 21 are issued, what happens when the tickets are
 22 issued?
 23 MR. ASHFORD: Object to that being
 24 vague. Objection as to form.
 25 Q. (Continuing, by Ms. James) What do you do when

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1 you issue a ticket for loitering in a place of
 2 illegal occupation?
 3 A. You write it on the ticket.
 4 Q. Okay. And then what?
 5 A. You give them a copy.
 6 Q. Okay. And are there other copies?
 7 A. It would be the hard copy.
 8 Q. Okay. And what happens to the hard copy?
 9 A. It goes to the courts.
 10 Q. Okay. Are there any copies that are retained by
 11 the Detroit Police Department?
 12 A. Again, I would have to say vice handled this.
 13 Vice would have everything. I wouldn't have it.
 14 Narcotics wouldn't have it. Everything would
 15 have reverted to vice. That's why this is their
 16 report. This is their set-up.
 17 Q. But you issued some tickets, right?
 18 A. And vice handled it.
 19 Q. Okay. So you don't keep copies of tickets that
 20 you issue?
 21 A. No.
 22 Q. Is that right?
 23 A. Right.
 24 Q. Okay. How was it decided which officer would
 25 issue -- which officers would issue tickets for

Page 45

1 anything?
 2 A. Whoever started writing the tickets would issue
 3 ~~that person a ticket.~~
 4 Q. What does that mean?
 5 A. If I'm writing tickets, then I would issue the
 6 person a ticket.
 7 Q. How is it decided that you would write the tickets?
 8 A. Who writes tickets? They would just say, "Can
 9 you guys start writing tickets?"
 10 Q. Okay. And at this particular --
 11 A. That's typical.
 12 Q. Okay. At this particular incident, what is your
 13 understanding of the basis on which you were
 14 writing these tickets?
 15 A. Somebody giving you just basic information,
 16 somebody would have said write tickets for
 17 loitering in a place of illegal occupation.
 18 Q. And who would have said that?
 19 A. Somebody from vice.
 20 Q. Okay.
 21 (Marked Exhibit No. 5.)
 22 Q. (Continuing, by Ms. James) All right. We've
 23 marked, what are we on, Exhibit No. 5 now. This
 24 is another DPD report. This is a follow-up
 25 report for the same case number. The report

Kathleen Singleton

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13 (Pages 46 to 49)

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1 number is the same except at the end it's .3.
 2 Have you ever seen this record before?
 3 A. No.
 4 Q. I'd like to direct your attention to page two
 5 toward the bottom. It says VEU 63. It
 6 indicates that Daniel Brancheau was issued a
 7 ticket for loitering in a place of illegal
 8 occupation by K. Singleton and then it lists a
 9 vehicle. To your knowledge does this document
 10 reflect that you issued a towing order of that
 11 vehicle?
 12 A. I don't remember.
 13 Q. Okay. Do you remember whether you issued any
 14 tow cards or nuisance abatement tickets that
 15 evening?
 16 A. I don't remember issuing any other tickets, no.
 17 Q. Okay. And what did you observe Daniel Brancheau
 18 doing that authorized the abatement of his
 19 vehicle?
 20 MR. ASHFORD: I'm going to object to form.
 21 Q. (Continuing, by Ms. James) Go ahead.
 22 A. I don't remember.
 23 Q. Okay. Do you recall whether you personally made
 24 the decision to seize any vehicles that evening?
 25 A. As I stated earlier, this is vice. Vice would

1 you're towing a car for any reason.
 2 Q. Okay. So is there anything in addition, anymore
 3 paperwork that's filled out when a car is being
 4 abated?
 5 A. Yes.
 6 Q. Okay. And what would that be?
 7 A. Intent of forfeiture, or this one, I think it
 8 was a nuisance and abatement. I don't know what
 9 it says at the top, but there is two different
 10 forfeiture sheets that you could fill out, so
 11 I'm not sure which one I filled out for this one.
 12 Q. I'm sorry. Can you make the distinction for me
 13 what the two different ones are?
 14 A. There's a forfeiture sheet that you fill out
 15 when you forfeit something from a person.
 16 Q. Okay.
 17 A. Or there would be the nuisance abatement paper
 18 that would be filled out. Which one was filled
 19 out, I don't know.
 20 Q. I see. Okay. And do you know whether the
 21 police department retains a copy of either of
 22 those documents that you just described?
 23 A. Forfeiture or vice.
 24 Q. Forfeiture or vice, okay.
 25 MS. JAMES: And again, just for the

Page 47

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1 have made any of those decisions, not me.
 2 Q. Okay. What documents are generated when a vehicle
 3 is seized and abated?
 4 A. Impound card.
 5 Q. Okay. Is that also known as a notice of
 6 impoundment?
 7 A. No, it's called an impound card.
 8 Q. Okay. So that's something different than a
 9 notice of impoundment.
 10 A. Right.
 11 Q. Is it ever referred to as a tow card to your
 12 knowledge?
 13 A. It's the same thing, impound, tow, same thing.
 14 Q. Okay. What does a tow card look like?
 15 A. It's a card that has information about the
 16 vehicle, who owns it, and what tow company took
 17 it, just I mean it's kind of hard to describe.
 18 Q. Okay. Now, when I refer to a vehicle being
 19 abated, you understand that that's different
 20 than just being towed, right?
 21 A. Right.
 22 Q. Okay. So a tow card or impound card, is that --
 23 is that just a card that would be issued any
 24 time a car is towed?
 25 A. That would be a card that you fill out when

1 record, we've requested those documents for this
 2 incident and have not obtained them.
 3 Q. (Continuing, by Ms. James) Do you know how many
 4 vehicles were seized at that raid?
 5 A. I don't remember.
 6 Q. Okay. Do you know what a person has to do to
 7 get their vehicle back once it's subject to
 8 forfeiture or abatement?
 9 A. You have to post a bond, go to forfeiture for it.
 10 Q. Do you know how much the bond is?
 11 A. I don't remember.
 12 Q. Okay. Do you know whether the City of Detroit
 13 receives any money as a result of these abatement
 14 proceedings?
 15 A. That's a forfeiture question. You have to ask
 16 forfeiture.
 17 Q. So you don't know the answer?
 18 A. I don't.
 19 Q. Okay.
 20 MR. GOODMAN: Can we go off the record
 21 for a minute?
 22 (Recess 11:50 a.m. to 11:57 a.m.)
 23 MS. JAMES: Back on the record.
 24 Q. (Continuing, by Ms. James) Based on the blind
 25 pig raids that you have participated in, is it

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14 (Pages 50 to 53)

Page 50

1 your recollection that it's customary or typical
2 for the persons who are present in that location
3 to be ticketed with loitering in a place of
4 illegal occupation?
5 A. That can be a ticket that they receive, it can be.
6 Q. And is it right that there are typically a
7 smaller group of people who are ticketed for
8 engaging in an illegal occupation, is that right?
9 A. That would be a question you need to ask vice.
10 Q. Okay. I see. All right. So when you say that
11 can be, that loitering in a place of illegal
12 occupation can be something that people are
13 ticketed for, what do you mean by that?
14 A. It can be a ticket you are issued. That is one
15 of the charges that you can receive at a blind pig.
16 Q. Okay. I guess the question I'm asking is is the
17 alternative to not ticket the person at all or
18 are there other charges that you think might be
19 appropriate?
20 A. That will be a vice question. Somebody who
21 works vice could better answer that question.
22 Q. I see. Okay. But it is your experience that
23 you have issued such tickets at these raids,
24 right?
25 A. They can be issued in these cases, yes.

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1 Q. I'm not asking whether they can or cannot be.
2 I'm asking whether you have.
3 A. ~~Based off of this one right here, yes, because~~
4 obviously I did if my name is on one.
5 Q. Okay. Do you remember issuing such a ticket at
6 any blind pig raid?
7 A. When you work -- when you're assisting a unit,
8 assisting pretty much basically whatever they
9 need help on, that's what you're going to do for
10 them. So if I assisted on another one and they
11 asked me to write that ticket for them, I might
12 have. I don't remember any of it because it's
13 not something that stands out in my mind.
14 Q. Okay.
15 A. Just I mean probably, probably have wrote it.
16 Q. Okay. And you certainly did here, right?
17 A. According to the paperwork.
18 Q. Okay. And that ticket was issued not based on
19 your own decision, based on what you observed
20 that person doing, but rather it was based on
21 what you were told to do by vice enforcement, is
22 that right?
23 A. That's a fair statement.
24 Q. Okay. And is that the usual or customary way
25 that things would occur when you assist vice

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1 enforcement in a blind pig raid?
2 A. If vice would have said this is a place of -- if
3 it was illegal, whatever they were doing in that
4 location and they stated that people in here are
5 illegally in this location and they're not
6 supposed to be in this location or doing whatever
7 they're doing, then you would issue them that
8 ticket because that's pretty much the ticket you
9 would issue them, right.
10 Q. Okay. So the procedure, if I understand it
11 correctly, is that vice enforcement makes the
12 call, makes the decision on what charges are to
13 be brought?
14 A. Yes, ma'am.
15 Q. Okay. All right. Are you familiar with the
16 citizen complaint procedure?
17 A. No, ma'am.
18 Q. Okay. Do you know whether or not you've had any
19 citizens complaints filed against you?
20 A. Yes, ma'am.
21 Q. Okay. Have you ever had any complaints that
22 were sustained or where you were found to have
23 acted improperly?
24 A. I don't remember.
25 Q. You don't remember. Okay.

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1 (Marked Exhibit No. 6.)
2 Q. (Continuing, by Ms. James) I've just handed you
3 what's marked as Exhibit No. 6. The first page
4 says Detroit Police Department Officer Information
5 Report. The following pages are in a landscape
6 format and the second page says at the top Citizen
7 Complaint Report Filed Against DPD Officer and
8 this is the record for Kathleen Singleton. Have
9 you seen either of these documents before?
10 A. No.
11 Q. Okay. I'd just like to direct your attention to
12 the first page. The second entry there
13 BPC #01-0130 CCR #30907. It says, Allegation,
14 procedure; findings, improper c; unit, Fourth
15 Precinct; closed August 2nd, 2001. Do you have
16 any recollection of a finding of improper
17 conduct for procedure around that time in 2001?
18 A. No.
19 Q. Okay.
20 A. Not a clue.
21 Q. You can't tell me what kind of conduct was
22 complained of?
23 A. You got a number here and that's it. No. And
24 it was in '01.
25 Q. Okay. And then I'd just like to direct your

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15 (Pages 54 to 57)

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1 attention to the last page with content on it in
 2 the lower right-hand corner. It says
 3 Def-City-1766. There are a couple of items here
 4 where if you look under the column titled
 5 finding, there are three notations of pending.
 6 These are much more recent since 2009. Do you
 7 recall being notified that there were any
 8 citizen complaints made against you since 2009?
 9 A. No.
 10 Q. Okay. And I'm sorry, I think a moment ago,
 11 please correct me if I'm wrong, but I think you
 12 did say that you do recall knowing that there
 13 have been complaints made against you before, is
 14 that right?
 15 A. Right.
 16 Q. And for the ones that you are aware of, how were
 17 you notified?
 18 A. If I had to go make statements or something. I
 19 mean they could tell you you have one against
 20 you. I don't follow-up on them. I don't know
 21 what the outcome of them would be.
 22 Q. Okay.
 23 A. Anybody's going to make a complaint against you
 24 if you arrest them.
 25 Q. Okay. So is it your testimony that you only

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1 ever seen this document before?
 2 A. Not this particular document, no.
 3 Q. Okay. Have you had an opportunity to peruse the
 4 contents or would you like another moment?
 5 A. No, go ahead.
 6 Q. Okay. Do you recall this particular incident?
 7 A. Not really, but I mean I remember having the
 8 Eastern District on the desk, that's it.
 9 Q. Okay. Directing your attention to page two toward
 10 the bottom, the findings say demeanor, sustained?
 11 A. Right.
 12 Q. Do you recall being notified of those findings?
 13 A. Yeah.
 14 Q. Okay. And what do you recall?
 15 A. I recall going to talk to the commander about it
 16 and I admitted that I did it.
 17 Q. Okay. Do you know who else was notified of the
 18 findings?
 19 A. No.
 20 Q. Okay. So you don't know whether or not your
 21 supervisor was informed. Is that fair?
 22 A. I don't know.
 23 Q. Okay. Did you receive any discipline as a result
 24 of this finding?
 25 A. Yes.

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1 recall having been notified if someone is
 2 interviewing you about the incident?
 3 A. If they're interviewing me about it. Other than
 4 that, no, I wouldn't know.
 5 Q. Okay.
 6 A. I don't look them up or anything.
 7 Q. Do you have any knowledge of whether or not your
 8 supervisor is informed of the outcome of these
 9 investigations?
 10 A. I think you would have to contact the office of
 11 the chief investigator. They would be the ones
 12 that keep track of this.
 13 Q. But you don't know whether or not your supervisor
 14 is informed, is that what you're saying?
 15 A. That the supervisor -- you're asking me a question
 16 that there is really no yes or no answer to.
 17 Q. I'm asking whether or not you know whether your
 18 supervisor is notified.
 19 A. Then I don't know.
 20 Q. All right.
 21 (Marked Exhibit No. 7.)
 22 Q. (Continuing, by Ms. James) All right. I've handed
 23 you what was just marked as Exhibit No. 7. It's an
 24 inter-office memorandum dated September 15th, 2010,
 25 complaint of Miss Shequita Johnson. Have you

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1 Q. And what was it?
 2 A. I believe it was a negative ACR entry.
 3 Q. What does that mean?
 4 A. A negative complaint in my file.
 5 Q. Anything else?
 6 A. That I remember, no, I don't.
 7 Q. So no retraining, suspension, nothing else that
 8 you recall?
 9 A. No.
 10 Q. Okay. Do you know whether there have been any
 11 other lawsuits filed against you for your
 12 actions while on duty as a Detroit police officer
 13 other than the one that brings us here today?
 14 A. Yes.
 15 Q. Okay. And do you know approximately how many?
 16 A. One that I can remember, just one that I remember.
 17 Q. Okay. What do you remember about that one?
 18 A. The guy was upset because he was going to jail.
 19 Well, we were investigating his son. He swung
 20 on a police officer. We had to physically hold
 21 him to cuff him that I remember or something to
 22 that effect.
 23 Q. Okay. Do you remember approximately what year
 24 that incident occurred?
 25 A. It was before '02, I know that.

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16 (Pages 58 to 61)

Page 58

1 Q. Okay. And is it your understanding that part of
2 what he was complaining about was that -- well,
3 I'll ask my question and then see if you need
4 some clarification. Was he alleging excessive
5 force?
6 A. He was alleging his father died a year ago, a
7 year after that incident or something like that,
8 and he was alleging we caused his father to get
9 sick. That's the basis of what I remember it to be.
10 Q. Okay. You described a moment ago about him
11 having to be held to be handcuffed?
12 A. Right.
13 Q. Do you know whether he was complaining about,
14 you know, any kind of physical contact that was
15 made with him?
16 A. Well, he physically threw my partner into some
17 sticker bushes. He wanted to push me, but I
18 ended up pushing him through the screen door.
19 When we tried to handcuff him, he physically
20 fought us, then we handcuffed him. The
21 complaint didn't go, as far as I can remember
22 the complaint didn't go to any physical actions
23 towards him because there was no visible bruises
24 or anything like that. From what I can remember,
25 his complaint was that his father died a year

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1 after due to what happened that day a year
2 later. You would have to look in the file and
3 ~~get the rest of the details, but as far as I~~
4 know, that's what the gist of it was about.
5 Q. Okay. And do you recall what the outcome of
6 that lawsuit was?
7 A. I think he received cash money for it.
8 Q. Okay. Do you remember a lawsuit in which you
9 were a named defendant by a person named Gary
10 Russell Annas?
11 A. No.
12 Q. Okay. Do you remember a lawsuit in which you
13 were a named defendant by a person named Yvonne
14 Taylor?
15 A. Mm-mm, no. I'm sorry. No. I apologize.
16 Q. Thank you. Do you remember a lawsuit in which
17 you were a named defendant by a person of the
18 name Vester, V-e-s-t-e-r, Squires?
19 A. I think that's the one I'm talking about.
20 Q. Okay. To your knowledge has there ever been any
21 internal investigation that occurred arising
22 from a lawsuit against you?
23 A. Such as? I'm sorry. Could you explain?
24 Q. Sure. To your knowledge -- well, let me ask
25 this question a little differently. To your

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1 knowledge has there ever been an internal
2 investigation within the police department where
3 you are the subject of the investigation?
4 A. Yes.
5 Q. Okay. And when did that occur?
6 A. They're listed in here. Are you talking about
7 the ones here?
8 Q. No, actually I think I'm talking about something
9 different. My understanding is that within the
10 department there are citizen complaint
11 investigations, but then there are also
12 investigations that might be conducted by
13 internal affairs that don't necessarily arise
14 from a citizen complaint and that's what I'm
15 asking about.
16 A. I've had, yeah, I've had to make statements at
17 internal affairs before, yes.
18 Q. Okay. And how often have you had to do that?
19 A. Honestly, I don't remember.
20 Q. More than once?
21 A. Yeah, more than once because I work narcotics,
22 so more than once, but I honestly don't remember
23 how many times I've had to make those statements.
24 Q. Okay. And to your knowledge have you ever found
25 to be -- have you ever been found to be -- to

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1 have acted improperly at the conclusion of those
2 investigations?
3 A. ~~To be perfectly honest with you, I do not keep~~
4 track of them. I don't know what the outcome is.
5 They call me down there to make a statement. I
6 make my statement and I'm done with it. I don't
7 know what the outcome is. I don't even try to
8 follow it.
9 Q. Okay. And do you know who does track the outcome
10 of those? Only if you know, only if you know?
11 A. Internal affairs.
12 Q. Okay.
13 A. They would know.
14 Q. Okay. All right. Other than the -- other than
15 the ACR entry, the negative ACR entry, have you
16 ever had any other disciplinary action against
17 you as an employee of the police department?
18 A. Yes.
19 Q. And when has that occurred?
20 A. I'm not trying to be sarcastic, but during the
21 15 years that I've been on this job, the dates,
22 I don't remember. I've had -- I've never
23 received any days off for nothing, so none of my
24 complaints or anything, I may have been found
25 improper for or however you're wording it, never

Kathleen Singleton

1/12/2012

17 (Pages 62 to 65)

Page 62

1 caused me to have days off.
 2 Q. Okay.
 3 A. I've received reprimands.
 4 Q. Okay.
 5 A. I want to say two reprimands, maybe three since
 6 I've been on the job. One for I took my brother
 7 to court with me. One for --
 8 Q. That was the alleged improper conduct, that your
 9 brother was there?
 10 A. Right.
 11 Q. Okay.
 12 A. One for improper search. The person ended up
 13 having a knife on them I think, but that was
 14 like when I first got on, and then one for my
 15 demeanor to a supervisor.
 16 Q. Okay.
 17 A. Yeah.
 18 Q. And what exactly does a reprimand mean?
 19 A. It means I was reprimanded. It's just a paper.
 20 Honestly, it's just a piece of paper that says
 21 that you did this. You were counseled on it. I
 22 don't follow them.
 23 Q. Okay.
 24 A. It's just --
 25 Q. But it's some kind of document that goes in your

Page 63

1 file?
 2 A. Right.
 3 Q. That's what a reprimand is?
 4 A. Right, right.
 5 Q. Okay. And so have you ever received any kind of
 6 retraining or other discipline other than a
 7 written reprimand?
 8 A. No.
 9 Q. Okay. And you said something about a reprimand
 10 might say there was counseling. What do you
 11 mean by that?
 12 A. The commander or whoever I went before and spoke
 13 with would have said don't do it again or would
 14 have counseled me on the proper procedures of
 15 what I should have done or how I should have
 16 handled something. It just goes with the
 17 conversation that you're having with that
 18 person, whoever it was that issued the reprimand.
 19 Q. Okay. And is counseling always a part of
 20 receiving a reprimand or not necessarily?
 21 A. Not necessarily. I've only gotten as far as the
 22 counseling in the room. Like I said, I've never
 23 received days off for anything.
 24 Q. Okay. But of the two or three reprimands that
 25 you've received counseling was a component of

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1 the reprimand?
 2 A. Pretty much that I remember, at least for one of
 3 them it was.
 4 Q. Okay. I see.
 5 A. Or for two of them it was.
 6 Q. Okay.
 7 A. But other than that, I mean you just got them,
 8 no big deal.
 9 MS. JAMES: Okay. I don't think I have
 10 anything else.
 11 MR. ASHFORD: I have no questions.
 12 Thank you very much, Officer.
 13 (Deposition concluded at 12:20 p.m.)
 14
 15
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 18
 19
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 21
 22
 23
 24
 25

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1 STATE OF MICHIGAN)
 2)
 3 COUNTY OF MACOMB)
 4 I, Ann L. Bacon, a Notary Public in and for
 5 the above county and state, do hereby certify
 6 that the witness, whose attached deposition was
 7 taken before me in the entitled cause on the
 8 date, time and place hereinbefore set forth, was
 9 first duly sworn to testify to the truth, and
 10 nothing but the truth; that the testimony
 11 contained in said deposition was reduced to
 12 writing in the presence of said witness by means
 13 of stenography; that said testimony was
 14 thereafter reduced to written form by mechanical
 15 means; and that the deposition is, to the best
 16 of my knowledge and belief, a true and correct
 17 transcript of my stenographic notes so taken.
 18 I further certify that the signature to and
 19 the reading of the deposition by the witness was
 20 waived by counsel for the respective parties
 21 hereto; also, that I am not of counsel to either
 22 party or interested in the event of this case.
 23 
 24 Ann L. Bacon, Notary Public, Macomb County
 25 Acting in Wayne County
 My commission expires: 6/29/17

EXHIBIT 25

Tyrone Gray
10/25/2011

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY MOBLEY, PAUL KAISER,
ANGIE WONG, JAMES WASHINGTON, NATHANIEL
PRICE, JEROME PRICE, STEPHANIE HOLLANDER,
JASON LEVERETTE-SAUNDERS, WANDA LEVERETTE,
DARLENE HELLENBERG, THOMAS MAHLER, and
LAURA MAHLER,

Plaintiffs,

Hon. Victoria A. Roberts
Magistrate Judge Mona K. Mazoub
No. 10-cv-10675

-vs-

CITY OF DETROIT, a municipal
corporation, Lieutenant VICKI YOST,
a Detroit police officer, in her
individual capacity, Sergeant DANIEL
BUGLO, a Detroit police officer, in his
individual capacity, Sergeant G. MCWHORTER,
a Detroit police officer, in his/her
individual capacity, Sergeant A. POTTS,
a Detroit police officer, in his/her
individual capacity, Sergeant CHARLES TURNER,
a Detroit police officer, in his individual
capacity, Officer M. BROWN, a Detroit police
officer, in his/her individual capacity, Officer
B. COLE, a Detroit police officer, in his/her
individual capacity, Officer TYRONE GRAY, a
Detroit police officer, in his individual
capacity, Officer SHERON JOHNSON, a Detroit
police officer, in her individual capacity,
Officer K. SINGLETON, a Detroit police officer,
in his/her individual capacity, and UNNAMED
DETROIT POLICE OFFICERS, in their individual
capacities,

Defendants.

DEPOSITION OF POLICE OFFICER TYRONE GRAY

TUESDAY, OCTOBER 25, 2011

Tyrone Gray

10/25/2011

2 (Pages 2 to 5)

Page 2

Page 4

1 Deposition of POLICE OFFICER TYRONE GRAY,
2 taken in the above-entitled cause before Denise Moorfoot,
3 (CSR-2275), Court Reporter and Notary Public for the County
4 of Oakland, State of Michigan, at 660 Woodward, Suite 1650,
5 Detroit, Michigan, on Tuesday, October 25, 2011, commencing at
6 or about the hour of 10:30 a.m.
7 APPEARANCES:
8
9

10 MR. DANIEL S. KOROBKIN
11 American Civil Liberties Union Fund of Michigan
12 2966 Woodward Avenue
13 Detroit, Michigan 48201
14 -and-
15 MS. KATHRYN BRUNER JAMES
16 Goodman & Hurwitz, P.C.
17 1394 E. Jefferson Avenue
18 Detroit, Michigan 48207
19 Appearing on behalf of the Plaintiffs.
20 MS. SUE HAMMOUD
21 City of Detroit Law Department
22 660 Woodward Avenue
23 1650 First National Building
24 Detroit, Michigan 48226
25 Appearing on behalf of the Defendants.

1 Detroit, Michigan
2 Tuesday, October 25, 2011
3 10:30 a.m.
4 ---

TYRONE GRAY

6 was thereupon called as a witness herein and, after
7 having been first duly sworn to tell the truth, was
8 examined and testified as follows:
9 ---

EXAMINATION

BY MS. JAMES:

12 Q Good morning, Officer Gray. Should I call you Officer
13 Gray?

14 A Yes, ma'am.

15 Q My name is Kathryn James, and I represent eight people who
16 were either -- Actually, I represent a total of twelve
17 people, eight people who were charged with loitering in a
18 place of illegal occupation at the Contemporary Art
19 Institute of Detroit on May 31st, 2008, and then four
20 people whose cars were seized at that event. And we have
21 come here today for a deposition for the lawsuit that has
22 arisen out of that raid.

23 Have you ever been deposed before, Officer Gray?

24 A Yes.

25 Q Do you know approximately how many times?

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1 A Not offhand.
2 Q More than five?
3 A Yes.

4 Q So you have a pretty good understanding of the ground
5 rules, but just for the record, I'm going to lay a few of
6 them out there. To assist our court reporter today,
7 please remember to answer verbally. Try to avoid shaking
8 your head yes or no. Try to verbally say yes or no, and
9 avoid saying uh-huh or uh-uh, and if you do, I'll just
10 politely remind you to say yes or no.

11 If you don't hear my question, if I'm not
12 speaking clearly or loudly enough, please feel free to ask
13 me to repeat it or ask the court reporter to repeat it.
14 And if you don't understand my question, if it's not clear
15 what I'm asking you, then feel free to ask me to rephrase
16 it and make it more clear to you.

17 And I also just want to point out for the record
18 that you have -- Miss Hammoud?

19 MS. HAMMOUD: Yes.

BY MS. JAMES:

21 Q She is representing you here today. She may make
22 objections at some point during the deposition, but unless
23 she instructs you not to answer a question, you should
24 just pause, give her a moment to make her objection, and
25 following that you should give your answer.

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3 (Pages 6 to 9)

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1 The first thing I'd like to do is mark as an
2 exhibit the re-notice of your deposition.
3 (WHEREUPON, Deposition Exhibit 1
4 was marked for identification.)
5 BY MS. JAMES:
6 Q I hand that to you. So this is Exhibit No. 1, and I just
7 want you to take a moment to look at it, please, and just
8 let me know whether or not you have seen this document
9 before?
10 A This is the first I have seen this document.
11 Q Okay. Were you asked to bring any documents with you
12 today to your deposition?
13 A No, ma'am.
14 Q Okay. I'll take that back from you.
15 MS. HAMMOUD: Let me object for purposes of the
16 record. The documents are not in his possession, custody,
17 or control. They are in the position of the city, and the
18 documents are here for his reference.
19 MS. JAMES: And also for the purposes of the
20 record, I'm going to reserve my right to continue this
21 deposition if any documents that haven't been disclosed
22 already are subsequently disclosed that were listed on the
23 Notice.
24 MS. HAMMOUD: Sure.
25 BY MS. JAMES:

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1 A No, ma'am.
2 MS. HAMMOUD: In this case you mean?
3 MS. JAMES: Correct.
4 THE WITNESS: In this case, no.
5 MS. HAMMOUD: You said "that case."
6 MS. JAMES: I'm sorry. I meant this case.
7 MS. HAMMOUD: That's okay.
8 BY MS. JAMES:
9 Q I'm just going to start by asking you some background
10 questions. We'll try to get through this quickly, but can
11 you give me your full name and badge number, Officer Gray?
12 A It's Tyrone Gray, Badge 4591.
13 Q No middle name?
14 A No, ma'am.
15 Q Okay. What's your current department and rank?
16 A Northeastern District, police officer.
17 Q How long have you been at the Northeastern District?
18 A I believe since 2008.
19 Q And that would have been after the May 2008 raid on the
20 Contemporary Art Institute?
21 A I'm sorry. I believe it was 2009. I'm sorry.
22 Q Okay. And where did you graduate from high school,
23 Officer Gray?
24 A Detroit Henry Ford.
25 Q And what year was that?

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1 Q All right. Did you review any records in preparation for
2 your deposition today?
3 A I did not.
4 Q Okay. And I see that you brought with you a folder. Are
5 there any documents in your folder here that have anything
6 to do with this case?
7 A No, ma'am.
8 Q Okay. But your attorney has provided a few records?
9 A Yes, she has.
10 Q Okay. May I see them?
11 Thank you. The first record is an activity log
12 dated May 30th, 2008, for Sergeant Buglo, Officer
13 McClendon, M-C-C-L-E-N-D-O-N, Officer Passmore, and
14 Officer Smith.
15 Second is an activity log dated October 19th,
16 2007, for Officers Johnson, Gray, Passmore, McClendon, and
17 Smith. Oh, I see this is a larger group of documents
18 having to do with a raid at a location called The Spoon
19 Room in October of 2007. So it includes an activity log,
20 a PCR, a CRISNET report -- two CRISNET reports, I think,
21 and Officer Gray's training printout. Thank you very
22 much. I appreciate that.
23 And you haven't reviewed any of the other
24 depositions that have been taken in that case; is that
25 right?

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1 A '91.
2 Q Okay. And have you had any college education?
3 A Yes. I have taken some college courses.
4 Q At what institution were those classes taken?
5 A Wayne County Community College as well as Coastal Carolina
6 Community College.
7 Q Coastal Carolina Community College?
8 A Yes.
9 Q And did you complete a degree program or receive any
10 certifications at either of those institutions?
11 A I have not.
12 Q And did you ever declare a major at either of those
13 institutions?
14 A I did not.
15 Q So were you taking kind of the general courses, or did you
16 take anything toward a specific area of study?
17 A Just general courses.
18 Q Okay. Have you had any law enforcement experience prior
19 to your employment with the Detroit Police Department?
20 A No.
21 Q When did you complete the police academy?
22 A 1997.
23 Q And was that through the Detroit Police Department?
24 A It was.
25 Q Okay. And was that the first time you had attended a

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4 (Pages 10 to 13)

Page 10

1 police academy?
2 A It was.
3 Q So what is your date of hire with the Detroit Police
4 Department?
5 A 4-27-98.
6 Q And just briefly I'd like to go through your ranks and
7 departments that you have been assigned to in the Detroit
8 Police Department, so can you tell me what your first
9 department was following completion of the police academy?
10 A Yes. That would be, at the time, the 6th Precinct.
11 Q Okay.
12 A I worked patrol operations. Still at the 6th Precinct, I
13 went to the specialized unit of special operations.
14 Q Do you know approximately when that transfer occurred?
15 A I don't remember the dates. From there I went to
16 narcotics.
17 Q Can you give me a ballpark of when you were in narcotics?
18 A How long?
19 Q Or roughly what year?
20 A 2001.
21 Q Okay.
22 A Roughly. From narcotics, I went to vice enforcement.
23 Q Do you know roughly how long you were at vice enforcement?
24 A Over two years.
25 Q Okay.

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1 A From vice enforcement, I went to homicide. From homicide,
2 Northeastern District patrol operations. Then from
3 Northeastern District patrol operations, still at the
4 Northeastern District, went to specialized unit of special
5 operations. My current assignment is Northeastern
6 District back to patrol operations.
7 Q I see. And your rank has been police officer throughout
8 all of these departments that we just described; is that
9 correct?
10 A That is correct.
11 Q Okay. Have you ever applied for promotion in the Detroit
12 Police Department?
13 A I did not.
14 Q Okay. I'm going to hand you our next exhibit, Exhibit No.
15 2.
16 (WHEREUPON, Deposition Exhibit 2
17 was marked for identification.)
18 BY MS. JAMES:
19 Q That's one of the documents I think you already have a
20 copy of. Can you take a moment to look through those, and
21 as you look, I'll ask you when you're finished or --
22 MS. HAMMOUD: Are you going to identify for the
23 record what Exhibit No. 2 is?
24 BY MS. JAMES:
25 Q Sure. This is what I will refer to as a training

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1 printout. The first page in the upper left-hand corner,
2 the largest set of words says "Student Performance
3 Record." The first page is one-sided, and then there are
4 two following double-sided pages. So once you have an
5 opportunity to look through it carefully, I'd like you to
6 tell me whether, as you sit here today, does this record
7 -- Well, first of all, do you know what this record is?
8 Are you familiar with it?
9 A It's my training that I received throughout my years of
10 service as a police officer.
11 Q Okay.
12 A Some training.
13 Q Have you had a chance to look through all of the pages?
14 A Not all of them yet, ma'am.
15 Q Okay. Are you finished looking through it?
16 A I am.
17 Q As you have reviewed it, does this appear to be an
18 accurate record of all of the training you have received
19 through the Detroit Police Department?
20 MS. HAMMOUD: Well, let me just place a
21 foundational objection again. He's not in possession,
22 custody, or control of these records, but to the extent
23 that he's reviewed them, he can answer the question.
24 THE WITNESS: Yes. This is basically my
25 training that I received.

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1 BY MS. JAMES:
2 Q Okay. I'm just going to ask you about a few of them that
3 to the untrained eye aren't really obvious. I'm going to
4 just flip to the page for you. Now, on the exhibit copy,
5 in the lower left-hand corner, the page number is 2452.
6 Can I have you look at this copy, please? Now, if you
7 look in the left-hand column under the word "Title," if
8 you go four lines down beneath the word "Title," there's a
9 line that says "PR-24 Recert." Do you know what that
10 means?
11 A Yes.
12 Q What does it mean?
13 A It's PR-24 recertification.
14 Q What does PR-24 mean?
15 A PR-24 is a tool that we use and is issued by the Detroit
16 Police Department as you would -- a common person would
17 think of that as being a baton.
18 Q I see. Okay. So the line immediately beneath that refers
19 to the same thing?
20 A It does.
21 Q Okay. And then several lines down from there, let's see,
22 one, two, three, four, five, six lines down from there it
23 reads "Combat (Tactical) Qualification Course." Can you
24 describe for me very generally what that means?
25 A Hand-to-hand combat, dealing with individuals who are

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5 (Pages 14 to 17)

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1 fighting us or resisting our arrest that we encounter on a
2 daily basis.
3 Q Thank you. I appreciate that.
4 Can you tell me whether or not you have received
5 any training specifically on the Detroit city ordinance
6 that authorizes ticketing people for loitering in a place
7 of illegal occupation that you recall?
8 A I don't recall at this time.
9 Q Do you recall whether you have ever received any training
10 specific to the Michigan nuisance abatement statute?
11 A I don't recall at this time.
12 Q Do you recall whether you have received any training that
13 is specific to blind pig raids? Do you know what I mean
14 when I say blind pig raids?
15 A Yes.
16 Q Okay.
17 A I don't recall. I'm sure I have. I just don't recall at
18 this time.
19 Q Do you recall whether you have received any training
20 that's specific to the execution of search warrants?
21 A Yes.
22 Q Okay. And do you remember the title of that training or
23 whether that training is listed on the printout that we
24 have reviewed?
25 A I received training from -- This would be part of the

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1 training is the bottom -- the second one from the bottom
2 from Michigan State Police. It says "Raid Entry School."
3 Q I see.
4 A That is part of our entry team. That's part of the
5 execution of search warrants as well as my several years
6 at narcotics, receiving training from supervisors as well
7 as other officers who had went to certain trainings
8 throughout the country and came back and taught us.
9 That's not listed on here, though.
10 Q Are there any other training sessions that you can recall,
11 as you sit here, that are not listed on this training
12 printout that you can think of?
13 MS. HAMMOUD: Are you asking specifically with
14 respect to formal training?
15 BY MS. JAMES:
16 Q Yes. A training session where, as I imagine, that you
17 would go with another group of officers and be given some
18 instruction by another law enforcement officer.
19 A Yes, that would be my narcotic undercover training.
20 Q Okay.
21 A Which was taught to me by Sergeant Ramon Valdez and other
22 fellow undercover police officers that worked at
23 narcotics.
24 Q Is there any formal training that you received while
25 assigned to vice enforcement that you can think of that's

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1 not on this training printout?
2 A I don't recall at this time.
3 Q Okay. When you have attended formal training sessions,
4 have you ever been provided with written materials at
5 those training sessions?
6 A Yes.
7 Q And is it your practice to keep those materials?
8 A I do sometimes.
9 Q Okay. So as of today, do you have any training materials
10 that you have kept for your own review?
11 A I would have to look for them.
12 Q Okay.
13 A They're not readily available if that's what you're
14 asking.
15 Q They're not available as we sit here right now?
16 A Right.
17 Q But they're available to you?
18 A I don't know. I'd have to look for them.
19 Q I would ask you, if you would, to review your files and
20 see if you have any training materials and to make them
21 available to your attorney. He knows what we have
22 requested.
23 A Okay.
24 Q And so he would know whether or not any of it is
25 discoverable for the purposes of this lawsuit, and I would

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1 just ask you to make them available to him.
2 A You're asking me to look for them, to attempt to make them
3 available?
4 Q Exactly.
5 A Okay.
6 Q And let him know whether or not you have been able to
7 locate them. Okay?
8 MS. HAMMOUD: Assuming he has them?
9 MS. JAMES: Yes.
10 MS. HAMMOUD: Okay.
11 BY MS. JAMES:
12 Q Okay. I will take this one back from you. Thank you.
13 I want to focus in on your time at vice
14 enforcement for a moment. Am I correct that you were
15 assigned to vice enforcement on May 31st, 2008; is that
16 correct?
17 A I was.
18 Q Can you describe for me -- Should I refer to this as a
19 department or a unit or a team? What's the correct
20 terminology?
21 A Vice enforcement unit.
22 Q Vice enforcement unit. Can you describe for me your
23 understanding of where the vice enforcement unit falls
24 within the structure of the Detroit Police Department?
25 And what I mean by that is, is it a separate unit with its

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6 (Pages 18 to 21)

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1 own -- what's the term I'm looking for? -- with its own
2 autonomous structure, or is it connected or under an
3 umbrella with other units? Does that make sense to you?
4 MS. HAMMOUD: Hold on. I'm just going to place
5 a form objection to the original question, not the "Does
6 it make sense to you?" question.
7 MS. JAMES: Sure.
8 MS. HAMMOUD: So just a form objection to the
9 first question.
10 BY MS. JAMES:
11 Q Sure. Do you understand what I'm asking?
12 A Vice enforcement falls under the criminal investigation
13 bureau.
14 Q I see.
15 A Gang squad, narcotics, it's under that umbrella.
16 Q Are there any other units that you can think of other than
17 gang squad and narcotics and vice enforcement that fall
18 under criminal investigation?
19 A Homicide.
20 Q Any others that you can think of?
21 A That's all I can think of right now.
22 Q Okay.
23 A Well, they do have restructuring at times, but I know at
24 that time it was under that umbrella.
25 Q I see. So you're describing your recollection and

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1 prostitution violations and other things here and there,
2 but those are our main things.
3 Q And how long were you with vice enforcement?
4 A Approximately two years. A little over probably.
5 Q So was that from sometime in 2007 through sometime in
6 2009? Does that sound about right?
7 A That's fair.
8 Q Okay. While you were working for vice enforcement, did
9 you receive employment evaluations or reviews at all?
10 A By my supervisors I did.
11 Q And do you know how often you would be evaluated or
12 reviewed?
13 A Every year.
14 Q So is it fair to say that there should be two evaluations
15 or reviews of you while you were on vice enforcement?
16 A That's a fair statement.
17 Q Okay. And to your knowledge, was the number of arrests or
18 tickets that you wrote a part of the metrics used in that
19 evaluation, if you know?
20 MS. HAMMOUD: Object to foundation, but you can
21 answer if you know.
22 THE WITNESS: That's not a part of it.
23 BY MS. JAMES:
24 Q Okay. I'm going to move on and talk specifically about
25 blind pigs and blind pig raids. How many times have you

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1 understanding of the structure as of the time that you
2 were in vice enforcement?
3 A Correct.
4 Q Okay. At the time that you were in vice enforcement, do
5 you know approximately how many officers were in that
6 unit?
7 A More than five.
8 Q Okay. Less than ten, if you know?
9 A Fair statement, less than ten.
10 Q And who were the commanding officers of vice enforcement
11 when you were a member?
12 A Lieutenant Vicki Yost, Sergeant Charles Turner, Sergeant
13 Daniel Buglo.
14 Q What is your understanding of -- I'm going to use the word
15 mission of vice enforcement? Would you like me to ask it
16 another way?
17 A We do quality of life issues in our work at vice
18 enforcement, prostitution, narcotics trafficking. We deal
19 with prostitution, like I say, on both sides, transgender
20 prostitution as well as liquor inspections, MLCC
21 violations.
22 Q Can you --
23 A MLCC, Michigan Liquor Control Commission.
24 Q Thank you.
25 A Basically dealing with just liquor violations and

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1 participated in a blind pig raid approximately?
2 A Being the undercover officer, more than three. As far as
3 execution of search warrants, I believe less than five, I
4 believe.
5 Q And the way that you categorize them as participating as
6 an undercover officer, and, I'm sorry, how did you
7 describe the other?
8 A Being an undercover officer, more than three.
9 Q How did you describe the other category?
10 A The other category was less than five as being a part of
11 the entry team.
12 Q Part of the entry team. Okay. So those would be separate
13 instances? Those don't overlap?
14 A That's correct.
15 MS. HAMMOUD: How many did you say as part of
16 the entry team?
17 THE WITNESS: Less than five as part of the
18 entry team and more than three as being an undercover
19 officer.
20 BY MS. JAMES:
21 Q So somewhere in the range of approximately ten would be
22 the total number of raids you have participated in either
23 as an undercover officer or part of the entry team; is
24 that fair?
25 A That's a fair statement.

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7 (Pages 22 to 25)

Page 22

1 Q And based on your understanding of these operations, what
2 is the purpose of a blind pig raid?
3 A The purpose of a blind pig raid is to go inside the
4 location, observe any illegal activity that may be taking
5 place inside the location, whether they're serving liquor
6 without a license, staying open after hours inside of a
7 licensed establishment.
8 Once that information is gathered as working
9 with the undercover team, then that information will be
10 given to our crew members, and from there either
11 additional surveillance will be conducted or an execution
12 of a search warrant will take place.
13 Q And is one of the purposes ultimately to either make
14 arrests or to ticket people?
15 A Well, I would say that's a fair statement, but I have been
16 inside of establishments to where -- Yeah, I would say
17 that's a fair statement.
18 Q Now, you mentioned that one of the purposes is to observe
19 illegal activity. As you understand it, can you describe
20 generally some of the illegal activity that you're looking
21 for?
22 A Inside of a blind pig there are a lot of things that could
23 be taking place, prostitution, narcotic usage, liquor
24 being sold without a liquor license, no business license,
25 illegal gambling. Those are the main.

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1 Q In the instance where you make observations of a place
2 that's operating without the proper license, whether it's
3 a business license or a liquor license, is one of your
4 goals to determine whether the people who are patronizing
5 this place, whether or not they know whether or not the
6 business has a license?
7 A No.
8 Q Okay. And based on your understanding of these
9 operations, do you know whether the operation itself is a
10 target as opposed to the patrons, or are they both equal
11 targets for police activity?
12 A Police action?
13 Q Yes.
14 A It would be both.
15 Q I'm going to hand you another exhibit here. This will be
16 Exhibit No. 3. The top of the paper says "Nuisance
17 Abatement Statute," and about halfway through it says
18 "Raid Execution/Blind Pig."
19 (WHEREUPON, Deposition Exhibit 3
20 was marked for identification.)
21 BY MS. JAMES:
22 Q I'm going to give you a moment to look through this
23 document, and as soon as you have had a chance to review
24 it, I'd like you to let me know whether or not you have
25 seen this document before?

Page 24

1 A I have seen this before.
2 Q And in your own words, can you describe to me what this
3 document is as you understand it?
4 A It's basically a raid plan.
5 Q And when you say a raid plan, is it fair to say that this
6 is a general raid plan? This does not contain information
7 about any particular raid; is that correct?
8 A That's correct.
9 Q Okay. Do you know whether this document comes from a
10 manual or from some other group of documents, or does this
11 stand on its own as far as you know?
12 A I don't recall at this time. I do recall seeing this,
13 though --
14 Q Okay.
15 A -- or the basic information of this as far as the raid
16 execution.
17 Q And you don't know who wrote this document, do you?
18 A I do not.
19 Q Does this document accurately reflect your understanding
20 of the Detroit Police Department's policy regarding blind
21 pig raids?
22 A As far as the assignments, is that what you're asking?
23 Q As far as the information contained in here, does it
24 accurately reflect your understanding of the execution of
25 blind pig raids?

Page 25

1 A That's fair.
2 Q Okay. Have you ever seen any other written documents or
3 plans that describe Detroit Police Department policies
4 regarding blind pig raids that you can think of?
5 A As I stated earlier, I have seen something similar to
6 this, older, possibly maybe many years ago when I was at
7 narcotics. It wasn't formatted like this, though.
8 Q I see. But it contained more or less the same
9 information?
10 A That's correct.
11 Q Okay. I'd like to turn your attention to the second side
12 of the page where it lists numbers one through nine. I'm
13 going to call these assignments. Is that a fair label?
14 A That's fair.
15 Q Okay. As you understand it, can you elaborate at all on
16 these assignments? For example, number one, it says
17 "shotgun - police officer." What's your understanding of
18 that assignment?
19 A Shotgun man or woman will be assigned to the point
20 position. It means it's the first person inside the
21 location.
22 Q I see. Okay. And then it has repeated a number of times,
23 number two, number four, number five, number seven, eight,
24 and nine, it says "crew member - police officer." Can you
25 describe in your own words what that assignment means?

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8 (Pages 26 to 29)

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1 A Members of the entry team or members of the outside
2 security. It depends on whoever the OIC of the operation
3 is, they make that determination of what your assignment
4 will be.
5 Q It also lists here -- number three and number six both say
6 "deputy raid commander - sergeant." Can you elaborate on
7 that assignment if you can?
8 A That would be the sergeants who would go inside or either
9 stay outside of the location. It all depends on the OIC
10 who makes that determination of what their assignments
11 will be.
12 Q And just for the record, OIC means officer in charge; is
13 that right?
14 A That is correct.
15 Q Okay. And is the officer in charge -- Why don't you
16 describe for us, when you say officer in charge, what does
17 that mean? Who does that refer to?
18 A That can either refer to whoever is -- It depends. It
19 varies. That could be a person who is in charge of the
20 entire operation.
21 Q Okay.
22 A Or that could mean a person who is one of the supervising
23 officers at the entry as far as the entry or execution of
24 the search warrant is concerned. It depends.
25 Q So when you say they could be in charge of the entire

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1 A It's not always a lieutenant.
2 Q Oh, okay. Can you describe for me who else it would be if
3 not the lieutenant?
4 A If the lieutenant is not there, it could be a sergeant --
5 Q I see.
6 A -- who is actually the raid commander.
7 Q Okay. But it's always a supervising officer?
8 A Yes.
9 Q In your experience in these blind pig raids, who from the
10 raid team typically makes the decision regarding who is
11 going to be charged with a crime following the raid?
12 A Can you repeat that?
13 Q Sure. Who from the raid -- I'll restate the question, but
14 then I'll elaborate a little bit. Who from the raid team
15 typically makes the decision regarding who is going to be
16 charged with a crime? And what I mean by that is, is it
17 up to each officer's discretion, or is it part of the plan
18 where one of the supervisors instructs the officers who
19 should be ticketed?
20 MS. HAMMOUD: Let me object to foundation of the
21 question, because are we assuming that somebody is going
22 to be arrested or ticketed? Is that what your question is
23 assuming?
24 MS. JAMES: Well, let me back up and ask a
25 different question.

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1 operation, when you say "entire operation," are you
2 talking about all of the pre-raid investigation and
3 surveillance, including the execution of the warrant? Is
4 that what you mean by "entire operation"?
5 A That is correct.
6 Q Okay. So the officer in charge in some instances could be
7 a police officer as opposed to a sergeant or lieutenant;
8 is that correct?
9 A Well, yes, that is correct. We have officers in charge of
10 cases, but as far as doing a raid, no. There would never
11 be a police officer in charge of a raid. It would always
12 be a sergeant or above.
13 Q I see. Okay.
14 A But there can be officers in charge of like -- if they're
15 assigned to different units, there may be a police officer
16 in charge of a case, and they're considered OICs of that
17 case.
18 Q Okay.
19 A But not the unit.
20 Q I see. Okay. And then there's one other title that we
21 haven't discussed yet. At the very top, it refers to the
22 raid commander, and then in parentheses it says
23 lieutenant. So is it your understanding and in your
24 experience on these blind pig raids that the raid
25 commander is always a lieutenant?

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1 BY MS. JAMES:
2 Q Have you ever been involved in a blind pig raid where
3 there is no one who is arrested or ticketed and charged
4 with a crime?
5 A I have not.
6 Q Okay. So starting from the basis that when a blind pig
7 raid occurs there will be an arrest or ticketing that
8 occurs --
9 MS. HAMMOUD: Well, I think you can ask him that
10 question based on his experience.
11 MS. JAMES: Yeah, that's all I'm asking.
12 MS. HAMMOUD: Based on his experience.
13 BY MS. JAMES:
14 Q Yeah. Based on your experience in executing blind pig
15 raids, who usually makes the decision regarding who is
16 going to be arrested for a crime or ticketed and charged
17 with a crime?
18 A It varies.
19 Q Okay. So can you elaborate on that a little bit?
20 A Yes.
21 Q Can you tell me the variations?
22 A Yes. If I'm the undercover officer inside the blind pig
23 prior to the execution of the warrant or the entry team is
24 coming in, myself or another undercover officer will make
25 observations, meaning the person who may be serving the

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9 (Pages 30 to 33)

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1 liquor, meaning the persons who may be performing the sex
2 acts, meaning the persons that may be selling the
3 narcotics, maybe the person working the door, maybe the
4 security team, maybe whoever is inside the location
5 operating or engaging as persons who are employed or
6 employees of the blind pig. So if that determination --
7 if those observations are made by the undercover officer,
8 then I will notify the actual raid team of my observations
9 and circumstances involving those parties involved, and
10 then they will be ticketed based on my observations.
11 Q I see. Okay. Let's narrow our focus slightly, then, to
12 when people are ticketed for loitering in a place of
13 illegal occupation. Is it your experience in blind pig
14 raids that when you have been involved in these raids,
15 that people are typically ticketed for loitering in a
16 place of illegal occupation?
17 A They are. They have been ticketed.
18 Q Okay. Have you ever been involved in a raid where no one
19 was charged with loitering in a place of illegal
20 occupation?
21 A I have not.
22 Q Okay. So as to that charge, in your experience, who from
23 the raid team decides which of the people present are
24 going to be charged with that crime?
25 A That would be the supervisors.

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1 Q I see. Okay. And based on your experience, when is that
2 decision typically made?
3 A It would be made as far as while we're inside of the
4 location. Actually, it varies. I mean, if we're doing a
5 briefing and we're doing pre-raid surveillance, we know
6 there's persons inside of the location, supervisors will
7 already advise us of our plan and every person's entry,
8 their point, as far as our setup, as far as our gathering
9 evidence or whatever, and the persons inside are to
10 receive loitering tickets.
11 Q So sometimes that decision is made by a supervisor prior
12 to the entry; is that correct?
13 A That's a fair statement.
14 Q Okay. In your experience in blind pig raids, is there
15 usually a written raid plan that is specific to that raid?
16 A Can you repeat that?
17 Q Sure. And I can elaborate a little bit. Earlier you
18 referred to Exhibit No. 3 as a raid plan, and I'm
19 distinguishing the question that I'm asking you from that.
20 I'm asking something a little different. What I'm asking
21 is, in your experience in the execution of blind pig
22 raids, is there usually some kind of written raid plan
23 that's specific to that raid?
24 A Every location is different. I guess that's what you're
25 asking. Every location is different, so every assignment,

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1 it could vary. It could be a large location where we have
2 a lot of police officers executing a search warrant, and
3 everybody's assignment would be different. If we have
4 plans to a location, some will branch off and spray into
5 the location, different areas. I think that's what you're
6 asking me.
7 Q Kind of. I'll ask something a little different and see if
8 this helps us. On the second page of Exhibit No. 3,
9 referring again to those assignments, number one through
10 nine, in your experience, is there usually a written
11 document for each raid that lists which officers are
12 assigned to those assignments?
13 A No. That's done on the briefing. There's no written
14 documentation. That's all done on the briefing.
15 Q Okay. I'll have you hang on to that one, because I am
16 going to come back to it in a moment, but I'm going to
17 hand you Exhibit No. 4.
18 (WHEREUPON, Deposition Exhibit 4
19 was marked for identification.)
20 BY MS. JAMES:
21 Q And just for the record, this document is identified in
22 the upper left-hand corner with the number 203.7, and it
23 says "Organized Crime, Vice and Narcotics," and it goes
24 through page 8 of 8, but I will also note that it starts
25 on page 2 of 8. And I would like you to take a look at

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1 this, and as soon as you're able to answer this question,
2 I'd just like you to tell me whether or not you recall
3 having seen this document before. Does that look familiar
4 to you?
5 A I have seen some of the things in there, but everything
6 doesn't look familiar.
7 Q Okay. Do you know whether this document comes from a
8 larger manual or set of documents, if you know?
9 A It looks as though to be our manual.
10 Q I see. Okay. So is it fair to say that you're not
11 intimately familiar with this particular document?
12 A That's fair.
13 Q Is that fair? All right. We'll set that one aside then.
14 I'll take it back from you.
15 I'm looking back at Exhibit No. 3 again, on the
16 second page, and I'm looking under "Raid Procedures" which
17 is sort of in the middle of the page. I want to ask you a
18 few follow-up questions about that. Can you describe to
19 me generally what happens at a briefing prior to a raid?
20 A Yes. During the briefing, the supervisors, OIC, would
21 give each officer their assignments prior to the raid,
22 also indicate a route of travel in case an officer goes
23 down, and in case there is gunfire, what officers should
24 do if there is gunfire. That's the gist of a raid,
25 majority, basic information of a raid.

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10 (Pages 34 to 37)

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1 Other things, what to look for, if they may have
2 dogs, animals, kids, where the weapons are stored, this
3 information is gathered on the pre-raid surveillance or
4 possible UC, undercover officer making entry into the
5 location prior to and is able to give that information to
6 the actual supervisors; so during the raid, the supervisor
7 can give that to the actual raid team so they can know
8 what to look for upon entry.
9 Q And what if any written documents are used at these raids
10 -- at these briefings? Excuse me.
11 A Well, the written documents, it depends. Search warrant
12 definitely.
13 Q Okay.
14 A Every officer would be advised on the location we're going
15 to, description of the location, and if that information
16 that we have prior to on a past -- Well, it varies. It
17 depends if we have received information in the past
18 involving the location. That would be a UC officer making
19 entry or being a prior execution of a search warrant, what
20 to look for, trap doors, things of that nature, where the
21 firearms are kept, where people go and run and hide. And
22 then also in the search warrant it will include
23 descriptions or names of individuals who are actually
24 engaging as possible owner slash operators.
25 Q And just for the record, when you referred earlier to UCs,

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1 Q Correct.
2 A Not personally.
3 Q Okay.
4 A But I did recall hearing my supervisors speaking about it.
5 Q Okay. So you didn't personally receive any of these
6 complaints or communicate with any people who complained
7 about the location; is that fair?
8 A No. That would be done by the supervisor.
9 Q Based on what you did hear about these complaints, do you
10 have any understanding of whether they were received in
11 writing or by telephone or by any other means?
12 A I don't know.
13 Q Okay. Based on what you did hear, do you know what kind
14 of activity was complained of, if you know?
15 A I don't know. I don't recall.
16 Q All right. Were you personally involved in any of the
17 surveillance of this location, if you recall?
18 A I don't recall.
19 Q So is it fair to say that you don't personally remember
20 undertaking any surveillance of this location as you sit
21 here today?
22 A Fair.
23 Q Okay. So when I refer to this case, I'm talking about the
24 CAID raid. Who was the officer in charge in this case, if
25 you recall?

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1 that was undercover officers; is that right?
2 A That's correct.
3 Q And when there is a search warrant present at the
4 briefing, is that typically read to the officers, or are
5 all officers provided with their own copy?
6 A That is read to the officers.
7 Q Okay. Now, when the assignments are made by the
8 supervisors, if you know, are those assignments usually
9 determined ahead of time, or are the assignments decided
10 and given at the briefing itself, if you know?
11 A I don't know.
12 Q And do you know whether -- I think you might have alluded
13 to this earlier, but do you know whether or not those
14 assignments are ever written down anywhere?
15 A You'd have to ask the supervisor that question.
16 Q Okay. I'd like us to focus again this time moving on to
17 the incident that brings us here today. I'm going to
18 refer occasionally to this location called the
19 Contemporary Art Institute of Detroit, and for the sake of
20 brevity, from now on I'm going to refer to it as the CAID.
21 Is that okay with you?
22 A That's fine.
23 Q Are you aware of any complaints that were made about the
24 CAID?
25 A Prior to our arrival?

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1 A Lieutenant Vicki Yost.
2 Q Was she also the raid commander?
3 A She's the OIC, raid commander. You would call it a raid
4 commander. She was in charge of the operation.
5 Q Who was the deputy raid commander?
6 A Well, that would fall up under the supervision that we
7 have, Sergeant Daniel Buglo and Sergeant Charles Turner.
8 Q And looking again at our list of assignments one through
9 nine, do you know who was given any of these specific
10 assignments at this raid?
11 A I do not recall.
12 Q And do you know whether or not there's any document or
13 record that records who had these assignments for this
14 raid?
15 A I do not.
16 Q At this particular raid, do you know -- We talked earlier
17 about the fact that sometimes a decision is made prior to
18 the raid that people who are present will be ticketed with
19 loitering in a place of illegal occupation. Do you know
20 whether that was the case at this raid? Was that decision
21 made prior to the raid itself?
22 A I don't recall.
23 Q Okay. And referring to the back page of Exhibit 3 again,
24 under the title "Prisoner Processing," number three says,
25 "Photo of all engagers and loiterers." Do you know

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11 (Pages 38 to 41)

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1 whether, at this particular raid, there was a photo of all
2 engagers and loiterers?
3 A I don't recall.
4 Q Do you know whether or not there are any documents that --
5 Well, let me actually back up for one moment.
6 Do you recall approximately how many officers
7 were involved in this operation? And when I say
8 "operation," I'm referring only to the raid itself.
9 A To the CAID?
10 Q Correct.
11 A More than ten, less than thirty.
12 Q So if other officers have testified that there were closer
13 to fifty, would you disagree with that testimony?
14 A I wouldn't disagree with it. There were a lot of
15 officers.
16 Q Do you know whether or not there are any documents that
17 would list all of the officers who were involved?
18 A Activity logs.
19 Q Okay. Do you know whether there is -- Well, let me
20 clarify your last answer. When you say activity logs, is
21 it a fair statement to say that any officer who was
22 involved would have noted in their own activity log that
23 they had been present at this location; is that fair?
24 A That's correct.
25 Q Okay. Do you know whether there is a single document in

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1 that were involved in this raid who would not have
2 attended the briefing?
3 A No. Every officer that was involved in the raid must
4 attend the briefing.
5 Q Okay. What do you recall about this briefing, if
6 anything?
7 A Actually, I don't recall it. I recall being there.
8 Q Okay. But nothing specific?
9 A I don't recall. Nothing stands out.
10 Q Okay. Do you recall who ran the briefing, who was in
11 charge of the briefing?
12 A I don't even recall that.
13 Q Do you recall whether or not the warrant was read at the
14 briefing?
15 A The warrant was definitely read. Well, I'm going off and
16 believing that the warrant was read in all our briefings,
17 but I don't recall -- I don't recall this particular one.
18 Q So let me just make sure we're on the same page. You
19 don't have a specific memory of this warrant being read at
20 the briefing, but based on your experience, the warrant is
21 always read at the briefing, so it must have been read
22 here; is that what you're saying?
23 A Based on my past experience, warrants are read.
24 Q So do you have any recollection of what this warrant
25 authorized -- Let me strike that and let me rephrase it.

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1 existence that would list all of the officers who were
2 present?
3 A I do not know of any.
4 Q Okay. Do you know whether there are any documents that
5 describe what equipment was used for this particular raid?
6 A I don't know of any.
7 Q Okay. Let's talk about the briefing for this particular
8 raid. As you sit here today, do you have any recollection
9 at all of being at the briefing for this raid?
10 A I believe we had the briefing at the TSS base.
11 Q Okay. And can you tell me what TSS stands for?
12 A Tactical services section.
13 Q Okay. And describing in let's say minutes, can you tell
14 me roughly, if you recall, how far away the TSS base was
15 from the raid location, how long it would take to get from
16 one place to the other?
17 A Leaving from TSS base?
18 Q Correct.
19 A Less than five minutes.
20 Q Okay. Do you recall approximately how many officers were
21 present for the briefing?
22 A Majority of the officers, as I stated to you earlier and
23 that you said there was testimony saying there was
24 possibly fifty officers.
25 Q To your knowledge, would there be any group of officers

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1 Do you have any recollection, as you sit here,
2 of what exactly this warrant authorized?
3 A I do not.
4 Q Okay. Do you have any recollection, as you sit here, of
5 -- Actually, let me back up and ask this a different way.
6 Am I correct in understanding that there were
7 more units than just vice enforcement involved in this
8 raid; is that fair?
9 A That's fair.
10 Q Okay. Do you recall, as we sit here, what other units
11 were involved?
12 A Vice enforcement and TSS is what I recall.
13 Q Is TSS also sometimes called TMU, or are those two
14 different things?
15 A I think traffic motor unit is TMU, I believe.
16 Q I have heard TMU referred to as tactical mobile unit.
17 A Tactical mobile unit. It's been changed, different
18 abbreviations for it. It's been changed from TSS, TMU. I
19 believe it was something else years ago.
20 Q Okay. I'm sorry. Had you finished listing the other
21 units that you recall being involved?
22 A That's all I recall.
23 Q Do you recall whether narcotics was involved?
24 A I believe there were a couple narcotics officers there.
25 Q Do you recall whether SRT was involved?

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12 (Pages 42 to 45)

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1 A I don't.
2 Q Okay. Did you take any written notes during this
3 briefing?
4 A I did not.
5 Q In your experience with other briefings for blind pig
6 raids, is it part of your practice to ever take written
7 notes?
8 A No.
9 Q Okay. Did you see anyone else taking written notes that
10 you recall?
11 A I did not.
12 Q Okay. Do you recall at this briefing whether or not you
13 were shown a map of the area that you were going to raid?
14 A I don't recall.
15 Q Okay. Do you recall whether you were shown photos of the
16 building?
17 A I don't recall.
18 Q Okay. We're going to transition away from the briefing
19 and into the raid. Do you recall what your assignment was
20 in this particular raid?
21 A I believe I was part of the entry team.
22 Q Okay. So what were your instructions for this raid?
23 A Being a part of the entry team, you're inside the location
24 where the shotgun person is or whoever is on point, crowd
25 control as well as monitoring everyone inside the location

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1 who is in your general area. As you're going through the
2 location clearing, we're saturating the building as well
3 as the outside area with police officers to monitor
4 individuals that are present.
5 Q Do you happen to recall how many people -- not police
6 officers but other people. Do you happen to recall a
7 rough estimate of how many people were at the CAID that
8 night?
9 A More than twenty.
10 Q If the records showed that more than 130 people were
11 ticketed, would you have any reason to disagree with that?
12 A No, I wouldn't have a reason to disagree. There were a
13 lot of people there.
14 Q Do you recall whether or not you were the shotgun person
15 that night?
16 A I don't recall if I was.
17 Q In a raid where there are more than a hundred people that
18 are anticipated to be present, in your experience, would
19 there be more than one shotgun person assigned?
20 A Well, that depends on who is actually on point and
21 whatever the supervisor's discretion is. Normally, in my
22 past experience working with narcotics, dealing with homes
23 or other blind pigs, there's normally only one shotgun
24 person, and that person is to clear the location and be
25 the first person to encounter any threats or all threats

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1 that may exist. With the magnitude of that many people, I
2 don't recall if there were two. Could have been.
3 Q Okay.
4 A In my past experience, no.
5 Q In this case, you don't recall whether or not there might
6 have been more than one shotgun person?
7 A I don't recall.
8 Q Okay. Do you recall what entrance you used to enter the
9 building?
10 A It would be through the building side. I don't recall
11 which entrance, what side of the building it was on.
12 Q Do you recall whether or not there was more than one
13 entrance?
14 A There's an outside area. I'm not quite sure if there was
15 -- I don't recall if there was an entrance actually over
16 there.
17 Q Were you the first officer in the building, or did
18 officers enter before you?
19 A I don't recall. I don't recall if I was the shotgun. If
20 I was shotgun, I would be the first person in, but I don't
21 recall.
22 Q Do you recall, once you did enter the building, do you
23 recall sort of where you went first? As I understand it,
24 there are different rooms in this building, so do you
25 remember what room you went to first?

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1 A I don't recall exactly which room. I do recall being
2 outside.
3 Q Okay. So at some point you recall having arrived at what
4 we'll call the patio area outside?
5 A That's a fair statement.
6 Q During this particular entry, do you recall whether
7 officers -- Well, let me back up and rephrase this.
8 During this particular entry, do you recall
9 what, if anything, officers would have said as they
10 entered?
11 A "Police, search warrant."
12 Q Would you tell people to get down?
13 A Yes.
14 Q Do you recall whether any officers, and pardon my
15 language, but do you recall whether any officers would say
16 things like, "Get the fuck down on the ground"?
17 A I don't recall that.
18 Q Okay. In your experience in blind pig raids, would that
19 be unusual for someone to say something like, "Get the
20 fuck down on the ground"?
21 A I don't recall hearing anything to that extent on that
22 day.
23 Q Have you heard officers use similar language in blind pig
24 raids ever that you recall?
25 A I don't recall.

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13 (Pages 46 to 49)

Page 46

1 Q Okay. Do you recall how you were dressed at this
2 particular raid?
3 A I believe I was wearing my Detroit Police issued tactical
4 uniform which has a Detroit Police patch. I believe it
5 was on the left chest area. My raid vest which has --
6 it's a Kevlar vest which has -- it's black in color and
7 has white "Police" lettering on it.
8 Q Where does the white "Police" lettering appear?
9 A On the front of the chest and the back area.
10 Q Okay.
11 A The upper back portion area. My tactical blue pants as
12 well as my boots and duty belt and side arm.
13 Q I believe you testified earlier that you don't recall
14 whether or not SRT was involved in this particular raid;
15 is that right?
16 A That's right. I don't recall.
17 Q Do you recall ever participating in any blind pig raids
18 where SRT was involved?
19 A Yes.
20 Q Can you describe for me what an SRT -- how an SRT officer
21 is typically dressed in a blind pig raid?
22 A SRT wears black tactical uniforms with Detroit Police
23 logos on the uniform. You have a tactical entry vest
24 similar to the vest I was wearing on that day. Some wear
25 masks as well as the same police issued equipment that I

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1 carry.
2 Q And you have never been a member of SRT, right?
3 A No.
4 Q Okay. If other officers have testified that SRT officers
5 wear all black with no logo, would you have a reason to
6 disagree with that?
7 MS. HAMMOUD: Object to foundation. I think
8 he's testified to the extent of his knowledge, but you can
9 answer -- and he has no knowledge of what anybody else has
10 testified to, but he can answer the question to the extent
11 that he knows.
12 THE WITNESS: I recall SRT just wearing what I
13 just described.
14 BY MS. JAMES:
15 Q Have you ever been involved in a raid with SRT where they
16 have worn all black with no police logos visible that you
17 recall?
18 A I don't recall.
19 Q Okay. At this particular raid, do you recall whether you
20 either had a name tag or a badge with your badge number
21 visible?
22 A At this raid, no.
23 Q No? So would there be any way -- Oh, let me ask one more
24 question. Let me back up.
25 Did you have anything concealing your face at

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1 this particular raid?
2 A I don't recall if I did.
3 Q Okay. Have you ever participated in a blind pig raid
4 where you had either a mask or a bandanna over your face?
5 A Yes.
6 Q And on the occasions where you have used a mask or
7 bandanna, what was the purpose of concealing your face?
8 A It's to conceal my identity. I have worked undercover
9 operations, many of blind pigs, and a lot of the
10 individuals who frequent these blind pigs are owner and
11 operators of additional separate blind pigs than the one I
12 might be working in as an undercover officer, and as far
13 as going to court on individuals down the road, they would
14 recognize me, and it would blow my cover if I go into
15 another location, and they would recognize me as being a
16 police officer. Therefore, I attempt to conceal my
17 identity while inside or sometimes conducting execution of
18 search warrants at blind pigs.
19 Q And to your knowledge, would there be any reason for
20 officers -- Strike that.
21 So is it fair to say that there is no policy or
22 procedure within the department that requires officers to
23 be identifiable either by name or badge during the course
24 of these raids?
25 A I don't know if there is any.

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1 Q Okay. Do you recall at this raid whether or not you ever
2 had your gun drawn?
3 A I didn't have my gun drawn. I believe I -- I always had
4 my firearm on the ready.
5 Q Can you describe what "on the ready" means?
6 A "On the ready" means, if you're in -- Well, "on the ready"
7 meaning my hand on the back end of the firearm. Depends
8 on my position. If I'm the shotgun man, yes, my firearm
9 is drawn because I'm the shotgun man. I'm on point. If
10 I'm shotgun backup, yes, my firearm is drawn. I don't
11 recall my position in this actual saturation of officers,
12 and to go outside, I believe I had my firearm on the
13 ready.
14 Q You just described a position that we haven't talked about
15 yet. I think you said shotgun backup. Can you explain
16 what that position is?
17 A Yes. Shotgun backup is the person who covers the shotgun
18 man or woman's position. In the event the shotgun person
19 has to go into a doorway, that shotgun backup is to cover
20 the rear or different angle of the shotgun person's
21 vantage point. That's basically the duties of a shotgun.
22 If a door needs to be opened, the shotgun person doesn't
23 want to grab the door and hold the shotgun at the same
24 time. It's the shotgun backup's job to open that door, so
25 if there's a threat there, the shotgun person can take

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14 (Pages 50 to 53)

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1 that threat on.
2 Q So does the shotgun backup have their side arm drawn
3 typically?
4 A Normally they do.
5 Q I see. Okay. Do you recall, at this particular raid,
6 other than the shotgun person and the shotgun backup, do
7 you recall if any officers had their guns drawn at this
8 raid?
9 A I don't recall.
10 Q Were you involved in any way in how -- Strike that. Let
11 me start again.
12 Do you recall personally searching anyone at
13 this particular raid?
14 A I believe I patted several people down for offensive
15 weapons.
16 Q And can you describe the pat-down process?
17 A Patting down the outer garments of a person or pants
18 pockets, waistband, just to make sure there aren't any
19 knives or any firearms that this person may be in
20 possession of.
21 Q Do you recall, at this particular raid, whether you ever
22 put your hands inside someone's pockets and took anything
23 out of their pockets?
24 A I don't recall if I did.
25 Q Do you recall whether any other officers reached into

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1 anyone's pockets?
2 A I don't know if they did.
3 Q Would it be appropriate for an officer to reach into
4 someone's pockets if they have not, you know, felt a bulge
5 in the pocket that they thought might be a weapon or
6 contraband?
7 MS. HAMMOUD: Objection, form.
8 THE WITNESS: Well, I can only testify what I
9 would do.
10 BY MS. JAMES:
11 Q What would you do?
12 A I mean, I'm a narcotic officer of several years, and based
13 on my past experience as a narcotic officer, I know what
14 certain substances feel like in packaging and without,
15 being loose in a person's pocket, and based on my past
16 experience, while patting a person down for offensive
17 weapons, if I know that substance to be possibly
18 narcotics, then I will put my hands in a person's pocket.
19 Q Okay. But absent feeling something in the pocket that
20 feels to you, in your experience, like contraband, you
21 wouldn't put your hands in someone's pocket; is that fair?
22 MS. HAMMOUD: Same objection, form and
23 foundation.
24 THE WITNESS: No. There would be no reason to.
25 BY MS. JAMES:

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1 Q Okay. Do you recall how long you were at the CAID that
2 night?
3 A I don't recall how long we were there.
4 Q Do you recall whether all of the patrons had left the
5 building by the time you left? Do you recall that?
6 A I don't recall.
7 Q Do you recall how long the patrons and the people who were
8 ticketed that evening were detained at the CAID?
9 A No, I don't recall.
10 Q If others have testified that it was several hours, would
11 you have any reason to disagree with that based on what
12 you do recall?
13 MS. HAMMOUD: Let me object to foundation, but
14 you can answer if you know.
15 THE WITNESS: I wouldn't object to it. We were
16 there for a while, but I don't know the exact time, that's
17 all.
18 BY MS. JAMES:
19 Q Okay. Do you recall whether, when you left, the sun was
20 beginning to rise? Do you recall that?
21 A I don't recall.
22 Q Given that you don't remember exactly how long it was,
23 while you were present at the CAID and from what you do
24 remember, were the patrons free to move around at any time
25 while you were present?

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1 A When you say "free to move around," what do you mean?
2 Q Sure. My understanding is that people were instructed to
3 get down on the ground. Is that what you recall?
4 A Yes.
5 Q And do you recall, once they were instructed to get down
6 on the ground, do you recall what happened following that?
7 A Yes.
8 Q What was the procedure?
9 A Once the location was declared clear by the entry team
10 shotgun person, persons were asked to stand up, and they
11 were patted down for offensive weapons. At some point,
12 they were centralized in an area. I believe it was more
13 towards the building or inside of the building area.
14 That's what I recall.
15 Q Once they centralized, what happened?
16 A I believe once they were centralized, they were processed.
17 I believe supervisors spoke with the persons in charge,
18 and they were ticketed. I believe keys were gathered for
19 their vehicles. Vehicles were towed, and they were
20 released.
21 Q Okay. Now, is it fair to say that not everyone was
22 processed all at once but that the processing itself took
23 a period of time; is that fair?
24 A That's a fair statement.
25 Q Okay. So during the period of time that someone was

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15 (Pages 54 to 57)

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1 waiting to be processed, what would they do, if you
2 recall?
3 A Well, they were centralized. They weren't free to walk
4 around, if that's what you're asking.
5 Q Yes.
6 A They were not free to walk around throughout the
7 establishment while we were there.
8 Q Do you remember if they were allowed to stand or sit or
9 kneel?
10 A I recall seeing some individuals standing, some
11 individuals sitting.
12 Q Okay. Was there a general directive among law enforcement
13 that officers wanted them to either be standing or sitting
14 or kneeling? Do you recall whether or not -- Well, hold
15 on one minute. Just go off the record a second.
16 (Discussion off the record.)
17 THE WITNESS: Can you repeat your question?
18 BY MS. JAMES:
19 Q Sure. Do you recall, at this particular raid, whether
20 there was a uniform instruction by law enforcement to
21 either have people sit or kneel or stand, if you recall?
22 A I don't recall.
23 Q Do you recall, at this particular raid, whether you saw
24 any patrons that had been handcuffed?
25 A I don't recall.

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1 Q Do you recall, at this particular raid -- and this would
2 have been during the initial entry, not after the
3 centralization, but do you recall whether any officers put
4 their hands on anyone or any part of their body, their
5 hands or their feet on any patrons to get them to get down
6 on the ground? Do you recall whether that ever happened?
7 A No, I don't recall that.
8 Q Do you recall seeing any officers kick or step on any
9 patrons?
10 A No, I didn't see that.
11 Q Okay. Is it also fair to say that given what you recall
12 of this particular location, that depending on where you
13 were at in the building, you would not always be able to
14 see what's happening in other locations in the building?
15 For example, if you were inside the building, you could
16 not see what was happening on the patio and vice versa?
17 A That's correct.
18 Q Okay. Oh, and this might seem like a silly question, but
19 let's just clarify. The shotgun person that we have
20 talked about previously physically holds a shotgun, right?
21 A That's correct.
22 Q And as we have talked about this a little bit more, I'm
23 just curious whether your memory has been refreshed. Do
24 you remember whether you were the shotgun person for this
25 raid?

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1 A I don't recall being.
2 Q Okay. I'm going to take this one back from you. Thank
3 you.
4 I'm going to hand you what is being marked as
5 Exhibit No. 5.
6 (WHEREUPON, Deposition Exhibit 5
7 was marked for identification.)
8 (Recess taken from 12:03 to 12:17 p.m.)
9 BY MS. JAMES:
10 Q We'll go back on the record. I handed you right before
11 the break what's been marked as Exhibit 5, and it's a
12 Detroit Police Department activity log dated May 30th,
13 2008. It lists a total of eight people, including
14 yourself, and it is one, two, three, four, five, six pages
15 long that are double-sided. Can you tell me, Officer
16 Gray, by looking at this, do you recall who actually
17 prepared the activity log, if you recall?
18 A I believe Sergeant Buglo prepared this activity log. This
19 is his format.
20 Q Okay. And is it fair to say that this activity log
21 prepared by Sergeant Buglo summarizes the activity of all
22 eight officers listed for this particular shift?
23 A Yes, it's fair to say.
24 Q Okay. And there is a signature next to your name on line
25 three. Do you recognize that as your signature?

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1 A Yes.
2 Q Okay. Now, the briefing that we discussed earlier for
3 this particular raid, do you see on this activity log, is
4 the briefing included in any of the notations on this
5 activity log?
6 A It's not notated on here, but that would be in the TMU
7 base secondary roll call.
8 Q I see. Okay.
9 A The briefing would be done there.
10 Q So the notation that begins at 12:15, as you recall,
11 that's when the briefing occurred; is that right?
12 A That's fair.
13 Q Okay. Now, let's just run through these first few items.
14 As you can see, much of this activity log contains a list
15 of defendants and tickets. We're not going to go through
16 all that. I just want to look at these first few
17 notations and ask you if you can elaborate on them. The
18 first line says, "On duty roll call per Lieutenant Yost
19 preparing for raid." Can you just describe briefly what
20 occurred at that time?
21 A It's on duty roll call. Officers arrived on scene at our
22 vice enforcement base, checked in, get our gear on,
23 raiding gear, and the supervisors had a briefing. From
24 there we went over I believe the location, and then we
25 went over to TMU.

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16 (Pages 58 to 61)

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1 Q When you say that the supervisors had a briefing, do you
2 mean that the supervisors briefed all of the officers who
3 are listed here on this activity log, or do you mean that
4 the supervisors had their own briefing just among
5 themselves that you were not present at?
6 A That's what I mean, that I was not present at. None of
7 the officers were present at. When they come in, they
8 would brief amongst each other as supervisors.
9 Q Okay. And what, if you recall, were you doing during the
10 period of time where the supervisors were having their
11 briefing?
12 A I believe I was in my cubicle.
13 Q And what, if you recall, were you doing in your cubicle?
14 A I don't recall.
15 Q Would that be an opportunity to catch up on paperwork? Is
16 that what you would typically do?
17 A Possibly catch up on paperwork or do other things.
18 Q Do you recall whether you were doing anything specifically
19 in preparation for this raid?
20 A I don't believe I was.
21 Q Okay. So the notation that says, "preparing for execution
22 of search warrant," and that looks like it was from 11:00
23 to 12:00, do you recall what occurred during that time
24 period?
25 A I believe all officers were there changing over, getting

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1 dressed in tactical uniform, things of that nature.
2 Q And did that occur at the vice enforcement unit, or was
3 that over at the TMU base?
4 A That would be vice enforcement unit.
5 Q All right. And the next notation is 12:15, "TMU base
6 secondary roll call," and I believe that's when you
7 described the briefing as occurring during that time
8 period. Do you remember if there was anything else that
9 occurred during that time period?
10 A Just a large briefing, information about the search
11 warrant.
12 Q Okay.
13 A Assignments and things of that nature.
14 Q The next notation is 12:45, "TMU base standing by awaiting
15 information from UC officers inside the location." What
16 do you recall about that time period?
17 A After the briefing, myself and members of the police
18 department sat around and stood around at the TMU base
19 waiting for the information to be disseminated for
20 observations observed by Lieutenant Vicki Yost and
21 Sergeant Daniel Buglo that were assigned as the UC
22 officers for this operation.
23 Q And am I correct that the raid did not occur until after
24 two a.m.? Is that correct?
25 A That's correct.

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1 Q So is it a fair statement that the bulk of that time
2 between 12:45 and until after two a.m., you're essentially
3 waiting; is that fair?
4 A That's fair.
5 Q The next notation is 2:20. It lists the address of the
6 location and says, "Execution of search warrant." That
7 seems to be fairly self-explanatory.
8 Do you recall how long you were standing by at
9 the location of the raid itself before the entry was made?
10 A Can you repeat that?
11 Q Sure. At some point you relocated from the TMU base to
12 the location of the raid, right?
13 A Okay.
14 Q Do you recall approximately what time that travel
15 occurred?
16 A I don't.
17 Q Okay. Do you recall, was there a period of time that
18 passed between when you arrived at the location and when
19 you made the entry, or was the entry immediate, as soon as
20 you arrived?
21 A I believe the entry was immediate upon our arrival.
22 Q I see. Okay. And just for the record, there's a column
23 that says "Type Activity," and for each of the entries, it
24 says "MA." Can you tell me what "MA" means?
25 A Miscellaneous activity.

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1 Q And if you would just flip all the way to the last page,
2 the next notation is 5:45 a.m., "Base 22 processing
3 prisoners, property and paperwork." Do you recall what
4 this means? Can you elaborate on that?
5 A Yes. Base 22, we're just at that time processing our
6 property evidence that was seized or gathered, if there
7 was any, and finishing up paperwork, if there were any
8 paperwork that needs to be tightened up on as far as
9 impound cars or tickets or anything of that nature.
10 Q Okay. Now, in viewing this activity log, do the time
11 notations on this activity log help to refresh your
12 recollection as to how long you were present at the CAID?
13 A Yes, it does.
14 Q Okay. And can you tell me, now that you have reviewed
15 this, how long you believe you were at the CAID that
16 evening?
17 A Several hours. 2:20, execution of search warrant was
18 conducted, and it doesn't show as far as our route of
19 travel to get to Base 22, but at Base 22, at that time, we
20 were at the base at 5:45 a.m., so several hours we were at
21 the CAID.
22 Q Okay. I'll take that back from you.
23 A Yes.
24 Q Thank you.
25 Do you recall whether you personally ever

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17 (Pages 62 to 65)

Page 62

1 recorded any documents describing your activity at this
2 raid?
3 A No.
4 Q Okay. Do you recall what evidence was found as a result
5 of this raid?
6 A No.
7 Q Do you recall, at the briefing prior to the raid, do you
8 recall whether the team received any information that
9 would have led you to believe this was an unusually
10 dangerous situation, such as undercover surveillance had
11 revealed weapons and narcotics and things of that nature?
12 Do you remember anything of that sort?
13 A I don't recall being advised of any weapons observed or
14 being, you know, passed around to other individuals. I
15 don't recall being advised of that.
16 Q Based on your experience in other blind pig raids, would
17 you say this particular raid was conducted similarly to
18 other blind pig raids that you have been involved in?
19 A Yes.
20 Q Okay. Do you recall, at this particular raid, who made
21 the decision regarding the issuing of tickets for
22 loitering in a place of illegal occupation?
23 A That would be a supervisor. I don't recall which
24 supervisor made that.
25 Q Do you remember whether that decision was made prior to

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1 entry itself?
2 A As I stated to you earlier, it depends. It varies. It
3 depends on --
4 Q I'm talking about this particular raid. Do you recall?
5 A I don't recall.
6 Q Okay. For those who were ticketed for loitering in a
7 place of illegal occupation, based on your understanding
8 of this raid, what activity -- what did they do that
9 authorized ticketing them?
10 A Being inside of a location that was deemed as a blind pig,
11 operating illegally, possibly serving liquor without a
12 liquor license, selling liquor I'll say without a liquor
13 license; therefore, they would be inside of the location,
14 loitering inside of an illegal occupation.
15 Q Based on your recollection, do you recall whether there
16 was a determination as to whether or not any of the people
17 who were ticketed for loitering knew that the
18 establishment did not have a liquor license?
19 A Can you repeat that?
20 Q Sure. Based on your memory of this raid, do you recall
21 whether there was any inquiry into or decision made about
22 whether or not the patrons knew that the establishment did
23 not have a liquor license?
24 A I guess I'm not understanding the question. Can you ask
25 me a different way?

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1 Q Yeah. Actually, I think I can ask it in a more specific
2 way. I'm going to hand to you what's going to be marked
3 as Exhibit No. 6.
4 (WHEREUPON, Deposition Exhibit 6
5 was marked for identification.)
6 BY MS. JAMES:
7 Q And this is a DPD Crime Report, Case No. 0805310096.1
8 dated May 31st, 2008. And, Officer Gray, I'm going to
9 direct your attention to the top of page 2. Defendant
10 number 14 at the very top, Olivia Marie Pizzo, and based
11 on this record, this record lists you as having cited Miss
12 Pizzo for loitering in a place of illegal occupation; is
13 that correct?
14 A That's correct.
15 MS. HAMMOUD: Counsel, do you have a copy? I'm
16 sorry.
17 MS. JAMES: Sure.
18 MS. HAMMOUD: Thank you.
19 MS. JAMES: We're at the top of page 2,
20 defendant number 14.
21 BY MS. JAMES:
22 Q Based on your recollection, what do you recall -- what is
23 your understanding of what she did on that particular date
24 to warrant ticketing her for loitering in a place of
25 illegal occupation?

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1 A Being inside of a location that was deemed a blind pig.
2 Q So, now, number one, do you recall whether you personally
3 made the decision to ticket her or whether it was the
4 result of an order by a supervisor?
5 A Well, the order came from supervision to ticket everyone
6 inside.
7 Q Okay.
8 A So, as a result, she was one of the several that I
9 ticketed personally -- well, that was ticketed by myself
10 and several members of the unit.
11 Q Now, in the decision to ticket her for loitering in a
12 place of illegal occupation, do you know whether the
13 supervisors made any inquiry as to whether or not Miss
14 Pizzo was aware of the fact that the establishment did not
15 have a liquor license?
16 A I have no idea if they made an inquiry to her.
17 Q Okay. Have you ever ticketed anyone for loitering in a
18 place of illegal occupation where the discretion for
19 writing the ticket was up to you and it was not upon the
20 direction of the supervisor?
21 A I have in the event of what they will be -- what they
22 would be charged with as an engager or loitering.
23 Q Do you ever recall an instance where you made the decision
24 to ticket someone for loitering in a place of illegal
25 occupation where the activity that you observed was their

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18 (Pages 66 to 69)

Page 66

1 presence in an establishment that was not properly
 2 licensed to sell liquor? Do you recall an instance?
 3 A No, I don't.
 4 Q All right. I'll direct your attention about halfway down
 5 the page, Defendant number 25, Joy Alicia Wells, and,
 6 again, this report has you ticketing her for loitering in
 7 a place of illegal occupation; is that correct?
 8 A That is.
 9 Q Okay. And do you recall whether or not you observed her
 10 doing anything that authorized ticketing her?
 11 A As I stated earlier in the other, number 14, it was being
 12 inside of the location.
 13 Q I'm just going to ask you about one more. We're going to
 14 flip to page 5, Defendant number 86, Jason Anthony
 15 Leverette-Saunders, and, again, this document has you
 16 ticketing him for loitering in a place of illegal
 17 occupation, and is it again fair to say that the reason
 18 that he was ticketed as you understand it was by being
 19 present at this location; is that fair?
 20 A Being present inside of the location, yes, ma'am.
 21 Q Okay. So when you write a ticket to someone for loitering
 22 in a place of illegal occupation, a copy of the ticket is
 23 given to the subject; is that right?
 24 A That's correct.
 25 Q And then how many additional copies exist?

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1 A There are two hard copies, but those are sent down to the
 2 courts.
 3 Q Both other copies are sent to the court?
 4 A Yes.
 5 Q Okay. Do you know whether there's any copy of the ticket
 6 that's retained within the Detroit Police Department?
 7 A Yes. We would make our own copy. I apologize. We would
 8 make our own copy and have that in our files.
 9 Q When you say "our files," is that your personal file or a
 10 file within the vice enforcement unit?
 11 A That would be a file within the vice enforcement unit, a
 12 file of each activity where tickets are warranted or
 13 arrests are made.
 14 Q Okay. So if you wanted to review a copy of one of these
 15 tickets, is it your understanding you would be able to
 16 obtain them from vice enforcement?
 17 A I would be able to obtain them from vice enforcement, or
 18 once I'm at the court proceeding, I would review the
 19 ticket, the hard copy of the ticket while at court.
 20 MS. JAMES: Okay. And I would just like to make
 21 a record at this time. I'll bring it up to Jerry when I
 22 talk to him next, but we still haven't been provided with
 23 copies of the tickets that were issued at this raid, and
 24 to the extent that they appear to be within the control of
 25 Defendant City, if not all the individual defendants,

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1 we'll be renewing our request to get copies of those.
 2 BY MS. JAMES:
 3 Q I want to back up again. The defendants that we -- I'm
 4 assuming that stands for defendant. Is that your
 5 understanding, Officer Gray, that when it says DEF period
 6 and then a number, that means defendant?
 7 A That's correct.
 8 Q Okay. The list of defendants that we went through a few
 9 moments ago, to your knowledge and recollection, other
 10 than their presence inside the establishment, do you
 11 recall whether you observed them engage in any other
 12 activity that you would understand as being illegal
 13 activity?
 14 A Are you saying other than the first four that is on the
 15 report? What are you asking me?
 16 Q Okay. Let me rephrase it. The three defendants that we
 17 spoke about --
 18 A Correct.
 19 Q -- I believe you testified that your understanding of the
 20 basis for ticketing them for loitering was their presence
 21 in the establishment?
 22 A Correct.
 23 Q What I'm asking is whether you observed them doing
 24 anything else that you would understand to be illegal
 25 activity?

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1 A No.
 2 Q Okay. Did you observe -- This is not limited to the
 3 people that we just spoke about. This is in general. Do
 4 you recall, when you were at the CAID that evening,
 5 whether you observed any additional illegal activity such
 6 as open drug use or anything of that nature?
 7 A I didn't observe any of that.
 8 Q Now, in looking through this report, there are a number of
 9 officers such as yourself who only ticketed, you know,
 10 we'll say less than five people, and there are other
 11 officers who appear to have ticketed dozens of people. Do
 12 you have any knowledge of why some officers ticketed very
 13 few and other officers ticketed several? Do you know
 14 anything about that?
 15 A When you say knowledge, no, I don't have any individual
 16 knowledge of why certain officers ticketed more than
 17 myself.
 18 Q I guess I can ask it a different way. In fact, I should
 19 just ask this: How did it come to be that you ticketed
 20 these individual people; do you recall?
 21 A Yes. Are you asking the process?
 22 Q Yeah.
 23 A Okay. The process is, once they are centralized, we have
 24 a processing area, and at the processing area, it can
 25 consist of evidence or persons writing out tickets. When

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19 (Pages 70 to 73)

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1 an individual is writing out tickets, they receive an ID
2 from everyone. IDs normally are gathered from everyone
3 inside the location. Those who don't have IDs, they may
4 be separated so their names can be verified to actually
5 their identity. Those who have IDs, they'll be put on the
6 table where the processing starts. Persons at the
7 processing table will write the tickets out, and they will
8 put whoever the officers that are present, their names go
9 on those tickets.
10 As far as engagers, though, those tickets will
11 be written to the officers who observed any illegal
12 activity taking place as far as working undercover
13 capacity to be inside of the location.
14 Q Okay. So is it fair to say that you basically ticketed
15 anyone who was ready for processing at the same time that
16 you were available for processing; is that fair?
17 A Well, I'm not quite sure if I was at the processing table
18 that day. I don't recall. It varies. Being this
19 magnitude, with so many people there, there's the
20 possibility somebody probably got tired of writing so many
21 tickets, but it varies. At certain times, it could be
22 just two officers at a table or three officers or four,
23 and they will write out all of the tickets.
24 Q I see. So some of the officers whose names appear on
25 several tickets may have been seated at that processing

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1 table for a period of time?
2 A That's a fair statement.
3 Q Does that seem logical?
4 A That's a fair statement.
5 Q Whereas you were probably called over a few times to issue
6 a few tickets; does that seem fair?
7 A That's a fair statement.
8 Q To your knowledge, is it fair to say that everyone who was
9 present at the CAID that evening was either ticketed as an
10 engager or for loitering in a place of illegal occupation?
11 A Fair statement.
12 Q All right. I will take this one back from you.
13 I'm going to hand you what is being marked as
14 Exhibit 7. This is another Detroit Police Department --
15 This one is a follow-up report, so it has the same case
16 number as the previous exhibit, but this report number has
17 a decimal point three at the end and is dated June 2nd,
18 2008.
19 (WHEREUPON, Deposition Exhibit 7
20 was marked for identification.)
21 MS. HAMMOUD: Can I see a copy? It's not the
22 same one?
23 MS. JAMES: No. It's the follow-up report.
24 BY MS. JAMES:
25 Q And just to clarify, Officer Gray, is it correct that you

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1 did not author either of these reports, either Exhibit 6
2 or ??
3 A That's fair.
4 Q Okay. All right. I'd like you to direct your attention
5 toward the bottom of the page. It says VEU number 48. Do
6 you know what VEU stands for by the way?
7 A I don't remember the acronym for that.
8 Q Okay. That's fine. At any rate, we're going to look at
9 VEU48, Joy Alicia Wells. Do you recall whether you
10 authorized the seizure of Miss Wells' vehicle?
11 A That would be done by a supervisor, ma'am.
12 Q I see. Okay. So would it be fair to say that any of the
13 vehicle seizures, all of those decisions or the
14 authorizing of such seizures would have been made by a
15 supervisor that day?
16 A It would be the supervisor of the operation, yes.
17 Q Do you recall whether you signed any notices of
18 impoundment?
19 A I do recall myself being out there helping --
20 Q Okay.
21 A -- with the vehicles. I probably did sign some if they
22 weren't already prepared.
23 Q Okay. The report we have in front of us, Exhibit No. 7,
24 you are listed as the person having ticketed Miss Wells
25 for loitering in a place of illegal occupation; is that

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1 right?
2 A Yes, that's correct.
3 Q Okay. Do you know whether there's any relation between
4 your having ticketed her -- Let me rephrase this,
5 actually.
6 Do you know whether you were the person who
7 signed the notice of impoundment for Miss Wells?
8 A I'm not sure if I did or didn't.
9 Q Okay.
10 A As I stated earlier, there were several -- there was an
11 abundance of officers out there with the tow trucks and
12 some impound cards. Basically, the impound card is like
13 -- it's pretty much like an inventory of what's going on
14 with the vehicle, so I'm not quite sure if some were
15 already prepared prior to my being there or if I actually
16 prepared them myself.
17 Q Do you know whether the police department retains a copy
18 of the notice of impoundment?
19 A Notices of impoundment, yes, I do know we retain a copy.
20 That would be at the forfeiture unit, I believe.
21 Q Okay.
22 A And a copy would go to the impound lot.
23 Q Is there a difference between the notice of impoundment
24 and a term I have heard before, a tow card?
25 A No. It's the same.

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20 (Pages 74 to 77)

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1 Q Same thing?

2 A Notice of impoundment is the -- I don't recall if actually

3 it's on the -- No, it is the same thing. Impound card,

4 it's basically the same thing.

5 MS. JAMES: And, again, I would just like to

6 state this for the record, and I'll bring it up to Jerry.

7 We have also still not received the copies of the notice

8 of impoundment or tow cards that were issued that evening,

9 and I think the officer's testimony confirms that it is

10 within the control of the defendants, so I'll be renewing

11 that request.

12 BY MS. JAMES:

13 Q To your knowledge, Officer, is it fair to say that

14 everyone who drove to the CAID that evening, that their

15 car was seized and subject to abatement as far as you

16 know?

17 A That's fair.

18 Q And is it your understanding that the law enforcement

19 activities that occurred at this raid, as you understand

20 it, those activities conformed with the procedures of the

21 Detroit Police Department; is that fair?

22 A That's fair.

23 Q Okay. Do you agree that as of May 31st, 2008, it was the

24 standard procedure of the police department and the city

25 that when raiding an establishment that was selling

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1 alcohol without a license or selling alcohol after two

2 a.m., to charge all persons in attendance either as an

3 engager or for loitering in a place of illegal occupation

4 and to seize their vehicles under the nuisance abatement

5 statute?

6 A Are you asking me did I know that?

7 Q I'm asking, to your knowledge, was that the standard

8 procedure?

9 A That's a fair statement.

10 Q Okay. And of the ten or so blind pig raids that you have

11 participated in, have they generally followed this same

12 procedure?

13 A Yes.

14 Q Do you recall how many vehicles were seized at this

15 particular raid?

16 A There were many according to the report that you supplied

17 me with. Eighty-two, I believe, vehicles.

18 Q I think it's actually less than that, because you'll

19 notice that on page one it starts with number forty.

20 A Forty? Okay.

21 Q I don't know why it starts with forty, but based on my

22 count, there was approximately forty-four. Would you

23 agree with that?

24 A There were a lot of vehicles; I can tell you that. I

25 don't know exactly how many but --

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1 Q You don't happen to know why this report starts at number

2 forty, do you?

3 A I'm not quite sure if it maybe coincides with the other

4 report that you supplied me with, meaning that if you --

5 No, this doesn't. I'm not quite sure why.

6 Q Oh, actually, I think there is one other source we can

7 confirm the number forty-four. Let me see what number

8 this was marked as. Exhibit No. 5 --

9 MS. HAMMOUD: The activity log.

10 BY MS. JAMES:

11 Q The vice squad activity log, under autos impounded, it

12 lists forty-four. Do you see that?

13 A Yes, I do.

14 Q So can we agree there were forty-four vehicles impounded?

15 A That's fair.

16 Q Do you know, when a person's vehicle is seized and subject

17 to nuisance abatement, do you know what they have to do in

18 order to get their car back, if you know?

19 A I don't remember the process.

20 Q Do you know whether or not a person has to pay a certain

21 amount of money? Do you know anything about that?

22 A I believe they do have to pay over \$800 or something to

23 that effect.

24 Q And do you know where that money goes once a person pays

25 it, if you know?

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1 A Wayne County. I believe a portion goes to the City of

2 Detroit.

3 Q Okay. Do you know how that breaks down between Wayne

4 County and the City of Detroit?

5 A I don't recall.

6 Q Did anyone within the Detroit Police Department ever

7 encourage you -- Has anyone ever encouraged you to seize

8 vehicles? Let me rephrase that.

9 Has anyone within the Detroit Police Department

10 ever suggested to you that one of the goals at the outset

11 of a blind pig raid is to seize a large number of

12 vehicles?

13 A No.

14 Q Has anyone within the police department ever commended you

15 or told you you did a good job for seizing a high number

16 of vehicles?

17 A No.

18 Q Do you know whether -- Let me just back up.

19 Do you know what law or rule authorizes

20 ticketing people for loitering in a place of illegal

21 occupation?

22 A When the location is considered a --

23 Q I'm sorry. I think you're answering a different question

24 than what I'm asking. Do you know whether it's a City of

25 Detroit ordinance --

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21 (Pages 78 to 81)

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1 A Ordinance.
2 Q -- that authorizes it or a state law or something else?
3 A It's a City of Detroit ordinance.
4 Q Okay. And do you know either the title or the number of
5 that ordinance?
6 A I don't recall the actual section number.
7 Q Okay. But you're familiar with the fact that it is a City
8 of Detroit ordinance; is that fair?
9 A Fair.
10 Q Do you know whether or not that ordinance has been revised
11 at all in the last few years?
12 A I believe it has.
13 Q Okay. And what makes you think that it has? How do you
14 know that?
15 A I thought -- I believe I have seen some documentation on
16 maybe a teletype of some sort from the department, but I
17 don't recall what it is. I haven't written that ticket in
18 quite some time.
19 Q I see. What's your understanding of how it has been
20 revised or changed?
21 A As I stated, I don't recall at this time --
22 Q Okay.
23 A -- the differential of how it has changed.
24 Q All right. I'll take Exhibit 7 back from you.
25 I believe you testified before that you

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1 using narcotics or having a weapon or anything that went
2 beyond the loitering ticket, would you have recorded that
3 somewhere, made a note of it in some way?
4 A Well, if they were charged with something different, they
5 would receive a different charge instead of just the
6 loitering tickets. If they were charged with being in
7 possession of marijuana or smoking marijuana or doing
8 anything like that, they would receive something separate
9 or different than just the LIPIO ticket.
10 Q So, in other words, if you had personally observed
11 anything of that nature, using or carrying narcotics, they
12 would have been charged --
13 A Or guns.
14 Q -- with an additional offense?
15 A Additional offense, yes.
16 Q By virtue of the fact they have not been charged with any
17 of those additional crimes, is it fair to say you didn't
18 observe anything of that nature?
19 A That's correct.
20 Q All right. During your employment with the Detroit Police
21 Department, have you ever been suspended or disciplined
22 for any reason?
23 A I have.
24 Q Okay. And can you tell me when that occurred?
25 MS. HAMMOUD: I'll just place an objection as to

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1 transferred from vice enforcement to homicide sometime in
2 2009; is that correct?
3 A Fair.
4 Q Okay. Do you happen to recall what part of 2009? Early
5 in the year? Late in the year?
6 A I think it was late in the year.
7 Q Okay.
8 A I don't recall if it was late in the year or middle of the
9 year. I don't remember.
10 Q That's all right. Okay.
11 MS. HAMMOUD: I'm sorry. What was Exhibit No.
12 5? I lost count.
13 MR. KOROBKIN: That was the activity log.
14 MS. JAMES: That was the activity log.
15 MS. HAMMOUD: The activity log.
16 BY MS. JAMES:
17 Q I want to back up for one second, and then we'll be moving
18 into our last category here. Earlier we talked about
19 three particular defendants who you ticketed. Their first
20 names I recall were Olivia, Joy, and Jason. Do you recall
21 having any personal interaction with any of those people
22 in particular?
23 A I do not. It was a long time ago.
24 Q Okay. If you had had any personal interaction of
25 significance, for example, if you had observed them openly

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1 improper character evidence. It's not relevant and more
2 prejudicial than probative, but you can answer.
3 THE WITNESS: Suspended, no. Disciplined, I
4 believe it was 1998. There was an incident involving my
5 ex-wife.
6 MS. HAMMOUD: Hold on. Hold on. Before you go
7 into that, I don't object to the discipline, but as to any
8 reason why he was disciplined would be subject to the
9 deliberative process privilege, and I will instruct him
10 not to answer anything that's privileged.
11 MS. JAMES: All right. Well, let's just each
12 make our records on this point. Number one, a number of
13 documentary requests were made, including the subjects
14 that I'd like to question the witness on to which no
15 timely objection was made. Moreover, there's been an
16 order by this court compelling defendants to turn over
17 those records. We have obtained a number of records,
18 including the fact that this witness was suspended, but at
19 this time we have not obtained even any of the factual
20 statements that have gone into that suspension, and
21 there's a multitude of case law that requires at least the
22 factual material to be turned over even where a
23 determination is made that the deliberative process
24 material can be redacted. There's also a number of case
25 law that has been provided to the court in the pending

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22 (Pages 82 to 85)

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1 motion that the deliberative process doesn't apply to 1983
 2 cases. So, to that end, is there any other thing you
 3 would like to place on the record?
 4 MS. HAMMOUD: No. Like I said, I have no
 5 objection to him testifying to any of the discipline or
 6 brief synopsis of the facts behind the incident, but as to
 7 why he was disciplined, I'm maintaining that that is
 8 privileged information and instructing him not to answer.
 9 MS. JAMES: Okay. I will try to formulate some
 10 questions that will narrow in on the facts.
 11 MS. HAMMOUD: Okay.
 12 BY MS. JAMES:
 13 Q So for the disciplinary action in 1998, as you understand
 14 it, did that disciplinary action result from a complaint
 15 against you that arose from outside of the department or
 16 from an internal investigation that was initiated within
 17 the department? Do you understand the question?
 18 A It was outside of the department.
 19 Q Okay. And do you know who made the complaint against you?
 20 A It would be my ex-wife.
 21 Q And do you know what you were accused of doing or what
 22 activity was complained of?
 23 A The activity where I was disciplined --
 24 MS. HAMMOUD: What did she accuse you of?
 25 THE WITNESS: It was an argument. She accused

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1 A Correct. And my commanding officer.
 2 Q I see. And was that a single instance of counseling, or
 3 did you have to counsel with them over a period of time?
 4 A No. Counsel with her over a period of time -- I'm sorry.
 5 Counsel over that incident, and there was another
 6 incident, but it involved her taking my duty weapon and my
 7 magazines and --
 8 Q When you say "her," are you referring to --
 9 A My ex-wife, yes. We were going through a divorce at that
 10 time.
 11 Q I see. Okay.
 12 A And she had taken my duty weapon, and I received a written
 13 reprimand for that from my commanding officer, and then we
 14 were divorced.
 15 Q Okay. And the written reprimand over the taking of your
 16 duty weapon, was that also in 1998?
 17 A Yes. All at the same time.
 18 Q Okay. Any other instances of disciplinary action or
 19 suspensions?
 20 A I don't recall the disciplinary actions. I do recall
 21 being suspended in 2009.
 22 Q Okay.
 23 A I believe that was the year.
 24 Q And have you only been suspended one time, or has there
 25 been more than one time?

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1 me of pushing her.
 2 BY MS. JAMES:
 3 Q Okay.
 4 A There were -- I'm sorry.
 5 Q You can finish what you were going to say.
 6 A There wasn't any report made or anything like that. That
 7 was a direct route -- direct contact to my commanding
 8 officer at the time, and that would be Commander Judy
 9 Dowling.
 10 Q And you have already stated that you were ultimately
 11 disciplined. Can you tell me what the nature of that
 12 discipline was?
 13 A Counseling.
 14 MS. HAMMOUD: Counsel, I'm sorry. Can I have a
 15 standing objection as to the relevance, more prejudicial
 16 than probative and improper character evidence?
 17 MS. JAMES: Absolutely.
 18 BY MS. JAMES:
 19 Q How long did you have to go to counseling?
 20 A It wasn't counseling like that. It was in-house
 21 counseling with my supervision.
 22 Q Oh, I see. So this wasn't counseling with a therapist?
 23 A No.
 24 Q This was counseling with a supervisor within the police
 25 department?

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1 A Well, this was the first time. Just one time, yes.
 2 Q Okay. Only one time, sometime in 2009?
 3 A Correct.
 4 Q Okay. And did that suspension occur as the result of a
 5 complaint that was made against you, if you know?
 6 A It wasn't through a complaint that was made against me.
 7 It was --
 8 Q Okay. So is it fair to say that it occurred as the result
 9 of an internal matter that arose within the department?
 10 A That is correct.
 11 Q Okay. And what was the nature of what the department was
 12 investigating you for?
 13 A Following an illegal order.
 14 Q Okay. What was the illegal order?
 15 A That order was involving paperwork, documents.
 16 Q I'm not sure what that means. You were ordered to do
 17 something which you ultimately did?
 18 A Correct.
 19 Q What were you ordered to do?
 20 MS. HAMMOUD: Excuse me just one minute. Can we
 21 take just a short break, please? I would like to ask him
 22 one question before I allow him to testify about that.
 23 MS. JAMES: Okay.
 24 (Discussion off the record.)
 25 MS. JAMES: Do you want the court reporter to

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23 (Pages 86 to 89)

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1 read back the last question?
 2 MS. HAMMOUD: I'm sorry.
 3 MS. JAMES: Or do you need to place something on
 4 the record?
 5 MS. HAMMOUD: No. I just wanted to clarify one
 6 thing with him.
 7 MS. JAMES: Do you want the court reporter to
 8 read back?
 9 THE WITNESS: Yes, you can read it back.
 10 (WHEREUPON, the Reporter read back
 11 the last question.)
 12 THE WITNESS: Ordered to put a location which
 13 was separate than the actual incident location on a
 14 report.
 15 BY MS. JAMES:
 16 Q I see. Okay. And who ordered you to do that?
 17 A That would be Sergeant Charles Turner.
 18 Q Do you know how it was discovered that the wrong location
 19 had been reported?
 20 A Yes, I do know how it was discovered. That would be
 21 Sergeant Daniel Buglo advised our commanding officer at
 22 the time, Vicki Yost, of the location being different.
 23 Q Okay. Did Sergeant Turner tell you why he was ordering
 24 you to record the wrong location?
 25 A He did not.

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1 Q Well, I guess let's skip to the end for a moment, and I
 2 might back up. When were you given that order, and when
 3 was the report written; do you recall?
 4 A I believe in 2009. I don't remember the actual date.
 5 Q And do you recall how long after that occurred that you
 6 were ultimately suspended?
 7 A A matter of days.
 8 Q I see. Okay. Do you know who ultimately made the
 9 decision to suspend you?
 10 A Internal affairs.
 11 Q Okay. Any particular person within internal affairs or
 12 that department in general?
 13 A That department.
 14 Q Okay. Do you know what kind of a location it was that
 15 we're talking about here? Was it the location of a blind
 16 pig?
 17 A It was not.
 18 Q Okay. Was it a residential location?
 19 A Residential area? Yes.
 20 Q Okay. I guess let me ask more specifically. When you say
 21 you were ordered to put a different location in the
 22 report, can you be more specific? I mean, did you simply
 23 type in a different address, or was it a different street
 24 altogether, a different place altogether? Can you be a
 25 little more specific?

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1 MS. HAMMOUD: Let me clarify. I think you're --
 2 and I could be mistaken, but understanding your question,
 3 I think you're presuming it to be a search?
 4 MS. JAMES: No, not necessarily.
 5 MS. HAMMOUD: Okay.
 6 BY MS. JAMES:
 7 Q We can get to that, but right now I'm just asking about
 8 what was the difference in the location? Was it just a
 9 different address on the same street? Was it a different
 10 place altogether?
 11 A Yes, I can answer that. It was a different place
 12 altogether.
 13 Q Okay.
 14 A It was not a blind pig.
 15 Q And was it a location that was to -- I guess what kind of
 16 a report was it? Was it just a CRISNET report?
 17 A It was a CRISNET report.
 18 Q So it wasn't in a warrant affidavit or anything like that?
 19 A No, no.
 20 Q And to your knowledge, was there ever a search that was
 21 conducted at the wrong location as a result of this?
 22 A No.
 23 Q All right. And do you recall how long you were suspended
 24 for?
 25 A I was suspended with pay for a couple of weeks.

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1 Q And to your knowledge, was Sergeant Turner also suspended,
 2 if you know?
 3 A Yes.
 4 Q Was there any other officers who were suspended or
 5 disciplined as a result of the same or related
 6 occurrences?
 7 A Yes.
 8 Q Okay. Who else was suspended?
 9 A Sergeant Turner, myself, Officer Johnson, Officer
 10 Passmore, Officer Balogun, B-A-L-O-G-U-N, Officer Hall.
 11 Q Hall?
 12 A H-A -- You have it right. Officer Williams. That's all.
 13 Q Okay. What is Officer Williams' first name?
 14 A Paytra, P-A-Y-T-R-A.
 15 Q And Officer Hall's first name?
 16 A Jordan.
 17 Q And Officer Balogun?
 18 A Samuel.
 19 Q I know the others. I'm assuming Johnson is Sheron
 20 Johnson?
 21 A Correct.
 22 Q Am I pronouncing that correct?
 23 A Sheron, correct.
 24 Q To your knowledge, were these other officers disciplined,
 25 or were they accused of essentially the same thing? Did

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24 (Pages 90 to 93)

Page 90

1 it all have to do with this incorrect location?

2 A That's fair.

3 Q Okay. So have we covered all suspensions and disciplinary

4 actions that you can think of?

5 A Yes.

6 Q To your knowledge, have there ever been any citizen

7 complaints lodged against you?

8 MS. HAMMOUD: Continuing objection as to

9 relevance, more prejudicial than probative, improper

10 character evidence.

11 THE WITNESS: Yes.

12 BY MS. JAMES:

13 Q Do you know approximately how many?

14 A I do not.

15 Q To your knowledge, have any of those complaints been

16 sustained?

17 A I don't recall.

18 Q Other than what we have already talked about, do you

19 recall ever having been disciplined or retrained or warned

20 as the result of a complaint that was made against you?

21 MS. HAMMOUD: Object to the form of the

22 question.

23 THE WITNESS: I don't recall.

24 BY MS. JAMES:

25 Q Okay. And I'm asking formally, has there been a formal

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1 discipline or a formal warning, just to clarify my

2 question? Do you recall ever receiving anything like

3 that?

4 A No, ma'am.

5 Q All right. I'm going to hand you what is being marked as

6 Exhibit 8.

7 (WHEREUPON, Deposition Exhibit 8

8 was marked for identification.)

9 BY MS. JAMES:

10 Q Are you familiar with this document? Have you seen

11 anything like this before?

12 A I have not.

13 Q I'd like to bring your -- Well, let's just clarify. What

14 I have handed you is titled "Detroit Police Department

15 Officer Information Report." That's on the first page,

16 and then on the second, third, fourth, and fifth pages

17 begin with the title "Citizen Complaint Report Filed

18 Against DPD Officer." Okay. And I would like to draw

19 your attention to, on the first page, a line that begins

20 with BPC number 02-0615, CCR number 32713. There are two

21 notations here -- Well, there's a total of five notations

22 for demeanor

23 A I'm sorry. 32712?

24 Q Correct. Are we on the same page?

25 A You said three.

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1 MS. HAMMOUD: Yeah, you said a different number.

2 MS. JAMES: I'm sorry. I misspoke.

3 MS. HAMMOUD: I was looking for it, too.

4 MS. JAMES: I'm sorry. I apologize.

5 BY MS. JAMES:

6 Q There are about five notations here, demeanor, procedure,

7 demeanor, force, arrest, and I'm interested in the top two

8 where it says, "Demeanor - Improper Conduct" and

9 "Procedure - Improper Conduct." Do you recall, now that

10 you have seen this -- I realize it's not terribly

11 informative, but do you recall there being a complaint

12 against you? I believe the number at the beginning, the

13 BPC number 02 signifies that it was initiated in the year

14 2002. So do you recall, in the year 2002, there being a

15 complaint against you when you worked at the 6th Precinct?

16 A I don't remember any of these, ma'am.

17 Q There's also a notation here that this file was closed

18 January 11th, 2005. Do you recall sometime around that

19 time period whether you were notified of having engaged in

20 any improper conduct?

21 A I don't recall.

22 Q Okay. And is it also fair to say that you don't recall

23 being disciplined or any formal warning at that time?

24 A That's correct.

25 Q Okay. And just to complete the record, is it also fair to

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1 say that you didn't receive any retraining at that time

2 that you recall?

3 A That's correct.

4 Q And then I also want to ask, similarly, toward the bottom

5 of that page there's a BPC number 99-0841, CCR number

6 29505, and there are two notations, one for procedure and

7 one for demeanor. The one at the top, "Procedure -

8 Improper Conduct, 6th Precinct," do you have any memory of

9 a complaint being lodged against you in 1999 for

10 procedure?

11 A I do not.

12 Q Okay. And then is it also fair to say that when this case

13 was closed 4-06-2000, that you don't recall receiving any

14 notification that there was a finding of improper conduct?

15 A I do not.

16 Q And, again, I'm sorry. Just to complete the record, is it

17 also fair to say that you didn't receive any disciplinary

18 action or retraining as a result of this investigation

19 that you know of?

20 A I don't recall.

21 MS. JAMES: Okay. And, again, I'm going to

22 place this on the record, and I'll raise it with Jerry.

23 We have received citizen complaint files that are more

24 recent in time. We haven't received anything from 2002 or

25 2009, and we'll renew our request to obtain the complete

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25 (Pages 94 to 97)

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1 file.
 2 BY MS. JAMES:
 3 Q Okay. We're on our very last subject here. I'll take
 4 this back from you.
 5 To your knowledge, other than the lawsuit that
 6 brings us here today, have any lawsuits been filed against
 7 you regarding your actions while on duty or in your
 8 capacity as a police officer with the Detroit Police
 9 Department?
 10 MS. HAMMOUD: Let me object as to relevance,
 11 more prejudicial than probative, and seeks improper
 12 character evidence.
 13 MS. JAMES: And I'll offer you a continuing
 14 objection for my follow-ups.
 15 MS. HAMMOUD: Thank you.
 16 THE WITNESS: Yes.
 17 BY MS. JAMES:
 18 Q Do you know how many times?
 19 A I don't recall how many times.
 20 Q More than five times that you know of?
 21 A More than five times --
 22 Q That you have been sued other than the lawsuit that brings
 23 us here today.
 24 A I believe there have been more than five times that I have
 25 been or associated with others in lawsuits.

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1 Q As you sit here today, can you recall any of the
 2 accusations that have been made against you in any of
 3 these lawsuits?
 4 A I can.
 5 Q Okay. Can you just describe for me the nature of the
 6 accusations that you can recall?
 7 A Arrest procedures for an individual, sexual harassment for
 8 another individual, force.
 9 Q Okay.
 10 A That's all I recall.
 11 Q Okay. Do you recall any of the plaintiffs' names in any
 12 of these lawsuits?
 13 A Yes, I do recall one.
 14 Q Okay. What's the name that you recall?
 15 A Fabio Perez.
 16 Q Fabio Perez, that's a memorable name. Do you recall the
 17 nature of the accusations that were made by Fabio Perez?
 18 A Yes, force, improper arrest.
 19 Q Okay. Do you recall approximately what year that lawsuit
 20 was?
 21 A I don't recall the year.
 22 MS. HAMMOUD: Off the record.
 23 (Discussion off the record.)
 24 BY MS. JAMES:
 25 Q So in any of the accusations that involved improper

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1 arrest, to your knowledge, have any of those accusations
 2 included an accusation that someone was arrested without
 3 probable cause? Do you recall whether that has been --
 4 A Of the lawsuits?
 5 Q Yeah.
 6 A Accusations were there, yes.
 7 Q Okay. Do you recall the outcome of any of these lawsuits?
 8 A Yes. Fabio Perez, I believe the jury found us responsible
 9 -- myself and my partner responsible for his injuries he
 10 sustained.
 11 Q Who was your partner?
 12 A Yes, my partner.
 13 Q Who was that?
 14 A Jack Lengyel. L-E-N-G-Y-E-L, first name Jack.
 15 Q L-E-N-G-Y-E-L?
 16 A Correct.
 17 Q Okay. And your memory is that case went to trial, and
 18 there was a jury verdict in the plaintiff's favor; is that
 19 fair?
 20 A That's fair.
 21 Q Do you remember the outcome of any other lawsuits against
 22 you that you can recall?
 23 A Yes. I believe one was settled prior to going to trial,
 24 and there's one right now pending. It's still in the
 25 deposition stages.

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1 Q The one that settled prior to trial, do you remember the
 2 nature of the accusation in that case?
 3 A Yes. Improper detaining of an individual, sexual
 4 harassment, improper touching of an individual.
 5 Q And you don't remember the plaintiff's name in that case?
 6 A No, I don't remember.
 7 Q And the one that's currently pending, do you know the
 8 nature of the complaint?
 9 A Yes, I do know the nature of the complaint.
 10 Q Okay.
 11 A The nature of the complaint is an individual -- I'm sorry.
 12 Is she asking me --
 13 Q I can clarify what I'm asking.
 14 THE WITNESS: Can I tell her?
 15 MS. HAMMOUD: What the nature of the complaint
 16 is? If you know what the nature of the complaint is.
 17 THE WITNESS: The nature of the complaint is
 18 sexual harassment.
 19 BY MS. JAMES:
 20 Q Okay.
 21 A That's just the nature of the complaint.
 22 Q In your capacity as a police officer?
 23 A Police officer, yes, yes.
 24 Q Is it by another officer or by a member of the public?
 25 A Oh, by a member of the public.

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26 (Pages 98 to 101)

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1 Q All right. And do you happen to know that plaintiff's
2 name?
3 A Yes.
4 Q What's their name?
5 A Tomika Miles.
6 Q Do you know whether that case is in Wayne County Circuit
7 Court or whether it's in federal court?
8 A No. It's nowhere. It's neither of those courtrooms.
9 It's still in the deposition phases. Oh, I'm sorry. I
10 don't know.
11 Q You don't know?
12 A I don't know.
13 Q All right. Do you have any -- Have you been served with a
14 complaint in that case?
15 A Yes.
16 Q Okay. Do you have a copy of it, not available to us right
17 this second but available to you either through your
18 office, or do you have a copy at home?
19 A I don't believe I have a copy at home.
20 Q Who is representing you on that case?
21 A That would be Miss Mills.
22 Q Jane Mills?
23 A Yes.
24 MS. JAMES: And just for the record, I'd ask
25 that defendants provide us with a caption or case number

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1 for the Tomika Miles case.
2 MS. HAMMOUD: You can send a request and have
3 Mr. Ashford deal with it accordingly.
4 MS. JAMES: I have sent him a request for all --
5 MS. HAMMOUD: Well, he can deal with it.
6 MS. JAMES: -- lawsuits, and I haven't heard of
7 this one.
8 MS. HAMMOUD: You can send a new one.
9 MS. JAMES: I'll remind him.
10 MS. HAMMOUD: It's new, isn't it?
11 THE WITNESS: Yes, this is new.
12 BY MS. JAMES:
13 Q Was it filed within the last six months that you know of?
14 A I believe so.
15 Q All right. Maybe he needs to supplement.
16 Okay. I am going to hand you what's going to be
17 marked as Exhibit No. 9.
18 (WHEREUPON, Deposition Exhibit 9
19 was marked for identification.)
20 BY MS. JAMES:
21 Q This is a Complaint in a lawsuit called Debra Norton
22 versus Jeffrey Clyburn, Fred Watkins, Jessica Jones,
23 Reynold Reed, Vincent Crockett, Lynn Moore, and Tyrone
24 Gray, and I'll give you an opportunity to take a look at
25 it.

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1 And the first question I'll ask you, and you can
2 answer whenever you're ready, is whether this Complaint,
3 whether or not you think this might be the one we talked
4 about earlier that settled prior to trial?
5 A I don't recall. I don't believe so.
6 Q Now that you have had an opportunity to review this
7 Complaint, do you, as you sit here, do you have any
8 recollection about this case, either the underlying
9 incident itself or the lawsuit?
10 A I do not.
11 Q So is it fair to say you don't know whether or not this
12 case has been concluded or whether it's still pending?
13 A I do not.
14 Q Okay. I'll take that back, and I am going to ask you the
15 same questions about this last document here which will be
16 marked as No. 10.
17 (WHEREUPON, Deposition Exhibit 10
18 was marked for identification.)
19 BY MS. JAMES:
20 Q Oh, I'm sorry. I thought you would still be reading this.
21 So my first question is: Have you had a chance to look
22 briefly at this Complaint?
23 A Very briefly.
24 Q Okay. Having reviewed it briefly, do you have any
25 recollection of either the underlying incident or the

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1 lawsuit to which this Complaint refers?
2 A I do.
3 Q Okay. Is this one of the lawsuits that we have discussed
4 in the last few minutes, or is this a new one, a different
5 one?
6 A It's a different one.
7 Q Okay. And this is a fairly -- The date on this Amended
8 Complaint is May 28th, 2010. Do you know whether this
9 case has concluded or whether it's ongoing?
10 A I believe this case is concluded.
11 Q Okay. Do you know the outcome?
12 A I don't know the exact outcome of it.
13 Q What do you understand about the conclusion?
14 A I believe Mr. Eaton and Topp, Jimmie Eaton and Martez
15 Topp, I believe there was a settlement agreement involving
16 this matter.
17 Q Do you know whether any internal investigations have been
18 initiated by any of the lawsuits that we have talked about
19 in the last few minutes?
20 A There was an internal investigation involving this matter.
21 Q Was that prior to the initiation of the lawsuit or after,
22 if you know?
23 A I believe after.
24 Q Okay. Has the internal investigation concluded?
25 A I believe so.

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27 (Pages 102 to 105)

Page 102

1 Q And what was the outcome of the internal investigation?
2 MS. HAMMOUD: I object to the deliberative
3 process privilege and foundation.
4 BY MS. JAMES:
5 Q I'm asking if you know whether or not there was a -- what
6 the ultimate disposition was, whether you were found to
7 have acted properly, or was there a finding of improper
8 conduct?
9 MS. HAMMOUD: Again, let me object to
10 foundation. There's absolutely no testimony here that he
11 was the subject of the internal affairs investigation into
12 this matter.
13 MS. JAMES: Okay. We can back up and ask that
14 question then. That's fair.
15 BY MS. JAMES:
16 Q You testified that there was an internal investigation
17 regarding this underlying incident?
18 MS. HAMMOUD: And specifically we're talking
19 about the Eaton and Topp incident?
20 MS. JAMES: Correct.
21 BY MS. JAMES:
22 Q Do you know whether you were investigated?
23 A No, I was not.
24 Q I see. Okay. Do you know which officers, if any, were
25 the subject of that internal investigation, if you know?

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1 A I believe it was Officer Shamar Woods and Monica Evans.
2 Q And do you have any knowledge regarding the ultimate
3 conclusion or disposition of the investigation of Officers
4 Woods and Evans?
5 A I do not know the exact of what took place as far as
6 investigation is concerned involving those two.
7 Q Do you know whether they were disciplined or suspended?
8 A I don't believe so.
9 Q Do you recall ever having an investigation initiated
10 regarding you and your conduct as the result of any of the
11 lawsuits that have been filed against you that you know
12 of?
13 A Yes. I believe I have indicated those ones you asked me
14 about earlier.
15 Q I'm sorry. You're going to have to be more specific.
16 Which lawsuits have resulted in an internal investigation
17 of you?
18 A Oh, is that what you're asking, internal investigations?
19 Q Yes.
20 A I thought you were asking me as being the focus of the
21 situation.
22 Q No.
23 A Okay.
24 Q I can restate my question just to clarify. I'm asking
25 whether, to your knowledge, there have been any internal

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1 investigations within the Detroit Police Department of you
2 that have resulted from any lawsuits that were filed
3 against you that you know of?
4 A No, I do not.
5 Q So is it also fair to say that you were never disciplined
6 as the result of the conduct that you were accused of in
7 any of these lawsuits?
8 A That's correct.
9 Q Okay. And, again, just to complete the record, I know it
10 seems tedious, but is it also fair to say that you have
11 never been either formally or informally warned as a
12 result of any of these lawsuits?
13 A No.
14 Q And is it also fair to say that you have never received
15 any retraining as the result of any of these lawsuits?
16 A No.
17 MS. JAMES: Let me consult with my co-counsel
18 for a second, and then I think we're very close to the
19 end.
20 (Discussion off the record.)
21 BY MS. JAMES:
22 Q Can we go back on the record and clarify those last two
23 questions? My co-counsel makes a good point. I think we
24 were both understanding each other, and yet the record may
25 be unclear. I asked you whether it was fair to say that

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1 you had not been disciplined or warned or retrained as a
2 result of any of these lawsuits to which each of those
3 questions you answered no, meaning, no, you have not been
4 disciplined or warned or retrained; is that correct?
5 A That is correct.
6 MS. JAMES: Okay. Thank you. Thank you for
7 that. Give us just one minute.
8 (Discussion off the record.)
9 MS. JAMES: We are done for our part.
10 MS. HAMMOUD: I have no questions.
11 (Deposition concluded at 2:00 p.m.)
12 ---
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Tyrone Gray
10/25/2011

28 (Page 106)

Page 106

1
2 STATE OF MICHIGAN)
3) ss.
4 COUNTY OF OAKLAND)
5
6 I, Denise Moorfoot, a Notary Public in and for
7 the above county and state, do hereby certify that the
8 witness, whose attached deposition was taken before me in
9 the entitled cause on the date and the time and place
10 hereinbefore set forth, was by me first duly sworn to
11 testify to the truth, the whole truth and nothing but the
12 truth; that the testimony contained in said deposition was
13 by me reduced to writing in the presence of said witness
14 by means of stenography; that said testimony was
15 thereafter reduced to written form by mechanical means;
16 and that the deposition is, to the best of my knowledge
17 and belief, a true and correct transcript of my
18 stenographic notes so taken.

19 I further certify that I am not of counsel to
20 either party nor interested in the result of this case.

21 *Denise Moorfoot*
22 Denise Moorfoot
23 Notary Public, Oakland County
24 Acting in the County of Wayne
25 My commission expires: 10-30-11



EXHIBIT 26

Charles Turner
1/13/2012

Page 1

1 IN THE DISTRICT COURT OF THE UNITED STATES
2 FOR THE EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION
4

5 IAN MOBLEY, KIMBERLY MOBLEY,
6 PAUL KAISER, ANGIE WONG,
7 JAMES WASHINGTON, NATHANIEL
8 PRICE, JEROME PRICE, STEPHANIE
9 HOLLANDER, JASON LEVERETT-SAUNDERS,
10 WANDA LEVERETTE, DARLENE
11 HELLENSBERG, THOMAS MAHLER
12 and LAURA MAHLER,

13 Plaintiffs,

14 vs.

No. 10-cv-10675

15 ~~Hon. Victoria A. Roberts~~

16 Mag. Judge Mona K. Majzoub

17 CITY OF DETROIT, a municipal
18 corporation, LIEUTENANT VICKI
19 YOST, a Detroit police officer,
20 in her individual capacity,
21 SERGEANT DANIEL BUGLO, a Detroit
22 police officer, in his individual
23 capacity, SERGEANT G. MCWHORTER,
24 a Detroit police officer, in
25 his/her individual capacity,

Charles Turner

1/13/2012

2 (Pages 2 to 5)

Page 2

Page 4

1 SERGEANT A. POTTS, a Detroit
 2 police officer, in his/her
 3 individual capacity, SERGEANT
 4 CHARLES TURNER, a Detroit police
 5 officer, in his individual capacity,
 6 OFFICER M. BROWN, a Detroit police
 7 officer, in his/her individual
 8 capacity, OFFICER B. COLE, a Detroit
 9 police officer, in his/her individual
 10 capacity, OFFICER TYRONE GRAY, a
 11 Detroit police officer, in his
 12 individual capacity, OFFICER SHERON
 13 JOHNSON, a Detroit police officer, in
 14 her individual capacity, OFFICER K.
 15 SINGLETON, a Detroit police officer,
 16 in his/her individual capacity, and
 17 UNNAMED DETROIT POLICE OFFICERS, in
 18 their individual capacities,
 19 Defendants.

20 /
 21 PAGE 1 TO 82

22
 23 The Deposition of CHARLES TURNER,
 24 Taken by Videoconference at
 25 2823 North 48th Street, Suite 8,

1 APPEARANCES:
 2
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 11
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 19 ashfj@detroitmi.gov
 20 Appearing on behalf of the Defendants.
 21
 22
 23
 24
 25

Page 3

Page 5

1 Phoenix, Arizona,
 2 with Attorneys and Court Reporter at
 3 400 Renaissance Center, Suite 2160
 4 Detroit, Michigan,
 5 Commencing at 2:55 p.m.,
 6 Friday, January 13, 2012,
 7 Before Gail R. McLeod, RPR, CSR 2901.
 8
 9
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 12
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 18
 19
 20
 21
 22
 23
 24
 25

1 APPEARANCES: (Continued)
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 21 only.
 22
 23
 24
 25

* * * * *

Charles Turner

1/13/2012

3 (Pages 6 to 9)

Page 6

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9	Exhibit	Page
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11	Third Notice of Taking Videoconference	
12	Deposition	
13	Raid Execution/Blind Pig	
14	Anticipatory Search Warrant	
15	DPD Activity Log	
16	DPD Crime Report	
17	DPD Crime Report	
18	Officer Information Report	
19	Citizen Complaint Report	
20	Inter-Office Memorandum	
21		
22		
23		
24		
25		

1 before, Mr. Turner?

2 A. Not video, no.

3 Q. But you've had it taken before, right?

4 A. I've had one taken. Not on this case.

5 Q. No, not on this case, but I mean in general. I'm just

6 asking if you know the general ground rules, what

7 happens at a deposition?

8 A. Basically, yes.

9 Q. I'm going to remind you about a few things in

10 connection with this deposition today. Number one, as

11 I said, I will be asking you some questions and I'll

12 expect you to answer those questions. If there's

13 anything that you don't hear, that you don't understand

14 or that you want repeated, please ask me and I will

15 either repeat the question, clarify it or rephrase it.

16 Do you understand that?

17 A. Yes.

18 Q. And as you are doing, it's important that you answer

19 the questions verbally rather than just shaking your

20 head or saying uh-huh or um-hmm because it's harder for

21 the court reporter to write it down and get an accurate

22 transcript. Do you understand that as well?

23 A. Yes.

24 Q. Okay. Good. Finally, your attorney, you're

25 represented here today by counsel, Mr. Ashford; is that

Page 7

Page 9

1 Detroit, Michigan and Phoenix, Arizona

2 Friday, January 13, 2012

3 About 2:55 p.m.

4 CHARLES TURNER,

5 having first been duly sworn, was examined and testified on

6 his oath as follows:

7 DEPOSITION EXHIBITS 1 THROUGH 9

8 WERE MARKED BY THE REPORTER

9 FOR IDENTIFICATION.

10 MR. GOODMAN: Let the record show that this

11 is the teleconference video deposition of Charles

12 Turner taken pursuant to Notice under the Federal Rules

13 of Civil Procedure for any and all purposes therein

14 provided.

15 EXAMINATION BY MR. GOODMAN:

16 Q. Is it Sergeant Turner? Mr. Turner? How should I refer

17 to you, sir?

18 A. Mr. would be fine.

19 Q. Okay. Mr. Turner, my name is Bill Goodman. We did

20 meet informally when we were not on the record. I'm

21 going to introduce myself to you again on the record

22 and tell you that I am one of the attorneys who

23 represents the plaintiffs in this particular action and

24 I'm going to be asking you some questions here today.

25 Have you ever had your deposition taken

1 correct, sir?

2 A. Correct.

3 Q. And Mr. Ashford may object to some of my questions from

4 time to time and if and when he does, I want you not to

5 answer your question, hold back and wait until he's

6 done with his objection and then in all likelihood, you

7 will be expected to answer the question. Do you

8 understand?

9 A. Yes.

10 Q. If he instructs you not to answer, obviously at that

11 point, you will have to follow his instructions, but

12 other than that, you will have to answer the question

13 even after he has objected, but we're going to wait

14 until the objection has been set forth on the record.

15 Do you follow me?

16 A. Yes.

17 Q. Good. And let's try not to cut each other off at the

18 pass here. I'll try not to interrupt you while you're

19 talking and you try not to answer the question before

20 I've finished stating it. That's the best way for us

21 to get a good clear record so judges and juries can

22 understand what we're talking about. Okay, sir?

23 A. Yes.

24 Q. Okay. With those general ground rules on the record,

25 I'm going to ask you a few questions. First of all,

Charles Turner

1/13/2012

4 (Pages 10 to 13)

Page 10

1 what did you review today before you had testified,
2 before you sat down to testify?
3 A. Not much, just the PCR and run sheet.
4 Q. When you say the --
5 A. And the affidavit for the raid. That's about it.
6 Q. Okay. You read Sergeant Buglo's affidavit, search
7 warrant affidavit; is that right?
8 A. Yes, I skimmed through it, correct.
9 Q. And when you say the PCR, do you mean the Crisnet
10 report?
11 A. That is correct.
12 Q. And when you say the run sheet, do you mean the
13 activity log?
14 A. That is correct.
15 Q. Okay. We're going to look at all of those documents
16 and I'm glad that you've had a chance to look at them
17 because it will make things move along a little bit
18 better here. But let me get some -- let's start with
19 the Notice of Deposition which has been marked Turner
20 Exhibit No. 1 here. Do you have that in front of you,
21 sir, what's called the Notice of Deposition? And I'm
22 going to pull it up on the screen. Look at the screen
23 and it will help you identify the exhibit.
24 A. Okay. I'm waiting. I don't see it.
25 Q. I don't either. All right. We'll get by without it.

Page 11

1 All right. Well, let's move on, Mr. Turner, and see
2 how we can do without this. Okay?
3 A. Okay.
4 Q. All right. If you haven't found it, it's called Third
5 Notice of Taking Videoconference Deposition. It's not
6 important. My only question is have you brought any
7 materials with you to the deposition today?
8 A. No.
9 Q. The materials that you read, the run sheet, the Crisnet
10 and the affidavit were provided to you when you -- by
11 Mr. Ashford; is that correct?
12 A. That's correct.
13 Q. Were you asked to bring any materials with you here
14 today?
15 A. No, not to my knowledge.
16 Q. Were you asked to look for any materials?
17 A. No.
18 Q. You're no longer with the Detroit Police Department; am
19 I correct?
20 A. No.
21 Q. The answer is yes, you're no longer with the
22 department; am I right?
23 A. I'm no longer with the department.
24 Q. Okay. Do you have any of your papers, your files,
25 documents from the period of time that you served as a

Page 12

1 Detroit police officer or a supervisor?
2 A. I have none.
3 Q. Okay. All right. Let me have a little bit of
4 background if I may. You -- at one time, you were a
5 Detroit police officer and then a Detroit police
6 sergeant; is that correct?
7 A. Correct.
8 Q. When did you start work with the Detroit Police
9 Department?
10 A. July 29th, 1985.
11 Q. And when did you end your service with the Detroit
12 Police Department?
13 A. April of 2010.
14 Q. And why did you leave the department, Mr. Turner?
15 A. I retired.
16 Q. Were you suspended?
17 A. Yes.
18 Q. At the time that you left?
19 A. Yes.
20 Q. Were you permanently suspended? Temporarily suspended?
21 What were the terms of your suspension?
22 A. At that point, I was temporarily at that point.
23 Q. And what were you suspended for?
24 A. I was suspended for -- I was brought up on charges for
25 falsifying documents.

Page 13

1 Q. Is it correct that you ordered Police Officer Gray to
2 put a location on a document which was not the actual
3 location of an incident?
4 MR. ASHFORD: I'm going to object to that.
5 I'm going to object to that based upon the deponent's
6 Fifth Amendment rights, privileged and instruct him not
7 to answer.
8 BY MR. GOODMAN:
9 Q. Okay. Let me rephrase the question then. Is it a fair
10 statement that the charge was a charge that you
11 instructed others to indicate a location on an official
12 document which was not the actual location where an
13 incident had occurred?
14 MR. ASHFORD: I'm going to assert the same
15 objection based upon his Fifth Amendment right and
16 instruct the witness not to answer.
17 MR. GOODMAN: All right. I will note this
18 point in the record and indicate that all I'm asking
19 the witness is what he understood the charges to be,
20 not what he did or did not do.
21 MR. ASHFORD: Okay. Maybe I'm
22 misunderstanding your question. If that's all you're
23 asking him, he can answer that question.
24 BY MR. GOODMAN:
25 Q. Okay. Do you understand, Mr. Gray -- excuse me. Do

Charles Turner

1/13/2012

5 (Pages 14 to 17)

Page 14

1 you understand, Mr. Turner?
 2 A. Yes.
 3 Q. Is that your understanding of the charges against you
 4 at that time?
 5 A. That's correct.
 6 Q. Did you ever appeal the suspension?
 7 A. No.
 8 Q. Did you ever file a grievance based upon the fact that
 9 you were suspended?
 10 A. No.
 11 Q. Did you ask your union to intervene in any way in
 12 connection with these charges?
 13 A. Yes.
 14 Q. And that would have been the Sergeants & Lieutenants
 15 Association?
 16 A. That's correct.
 17 Q. Did they intervene?
 18 A. Yeah, they represented me.
 19 Q. Did their representation result in any withdrawal of
 20 the charges or the suspension going away in any way?
 21 A. No.
 22 Q. Okay. Along with you, other officers were suspended;
 23 is that correct, sir?
 24 A. That's correct.
 25 Q. Officer Tyrone Gray, Officer Sheron Johnson, Officer

Page 16

1 A. 7-15-1963.
 2 Q. You have a -- you received a high school diploma; is
 3 that correct, sir?
 4 A. That's correct.
 5 Q. In Detroit?
 6 A. Yes.
 7 Q. What high school?
 8 A. Redford.
 9 Q. And have you had any post-high school education?
 10 A. Yes.
 11 Q. Where?
 12 A. Wayne County Community College.
 13 Q. Okay. And did you receive a degree from Wayne County
 14 Community College?
 15 A. No, I did not.
 16 Q. Before going to work for the Detroit Police Department
 17 in 1985, had you had any law enforcement experience?
 18 A. No.
 19 Q. Did you receive training at the Detroit Police Academy
 20 before you started your official duties as a Detroit
 21 police officer?
 22 A. Yes.
 23 Q. And how long was that course of training?
 24 A. I believe it was 16 to 17 weeks.
 25 Q. What were your assignments -- well, withdraw that

Page 15

1 Balogun, Officer Hall and Officer Petro Williams; is
 2 that all correct?
 3 A. That sounds correct.
 4 Q. Okay.
 5 MR. ASHFORD: Can I interrupt you for a
 6 moment?
 7 MR. GOODMAN: Sure.
 8 MR. ASHFORD: Can we go off the record for a
 9 moment?
 10 MR. GOODMAN: Sure. Do you want me to put
 11 the mute button on?
 12 MR. ASHFORD: No.
 13 MR. GOODMAN: Okay. Go ahead.
 14 (Discussion off the record.)
 15 BY MR. GOODMAN:
 16 Q. Did you know Officer Balogun?
 17 A. That's Balogun. It should be Balogun.
 18 Q. Balogun. All right. I apologize.
 19 Are you currently employed?
 20 A. Yeah, I'm working part time.
 21 Q. And where are you employed, sir?
 22 A. Rio Salado College.
 23 Q. As a teacher?
 24 A. No, public safety.
 25 Q. Okay. And let me ask you, what's your date of birth?

Page 17

1 question.
 2 How long were you a police officer before you
 3 were promoted to being a sergeant?
 4 A. Approximately 17 years. Yeah --
 5 Q. And during that -- I'm sorry.
 6 A. Yeah, about 17 years, correct.
 7 Q. During that time, were you primarily assigned to one
 8 assignment or were there a number of assignments over
 9 those 17 years?
 10 A. Well, I had various assignments during that time,
 11 patrol and gang squad and other assignments.
 12 Q. Did you work as a police officer before you became a
 13 supervisor? Did you work with the vice enforcement
 14 unit?
 15 A. Yes.
 16 Q. During what periods of time?
 17 A. Well, I think I was assigned to vice in 1992. Then I
 18 got transferred to gang squad for approximately a year
 19 and a half. Then I returned back to vice.
 20 Q. So that would have been you worked there in '92 and
 21 then again starting again in '94, sir?
 22 A. '92 and maybe '93, I returned back to vice.
 23 Q. And how long --
 24 A. But it was called -- it was special assignment task
 25 force at that time, but we was doing vice activity.

Charles Turner

1/13/2012

6 (Pages 18 to 21)

Page 18

1 Q. And how long did you work for the special assignment
2 task force doing vice enforcement activity?
3 A. It -- it changed the name to vice, so we were formally
4 vice after maybe a year or a year and a half.
5 Q. Okay. And you stayed with them then as a police
6 officer for a number of years?
7 A. That's correct.
8 Q. And who was the commander or who were the commanders of
9 that unit while you were there?
10 A. During that time, I can't -- I can't recall. We kept
11 switching commanders and supervision. I can't recall.
12 Q. Okay. While you were a police officer before you
13 became a sergeant, did you have an opportunity to work
14 with Vicki Yost at the vice enforcement unit?
15 A. No.
16 Q. Did you have an opportunity to work with Sergeant
17 Buglo, Daniel Buglo?
18 A. No.
19 Q. Okay. When did you -- when were you promoted to being
20 a sergeant? By my calculation, it would be 2002. Is
21 that about right?
22 A. No. I believe it was 2004 or -- no, 2004 or 2006, one
23 or the other. I'm not quite --
24 Q. Okay. And at the time that you were promoted to
25 sergeant, were you still as a police officer working

Page 20

1 Q. Can you describe, if you will, Mr. Turner, the
2 differences in your responsibilities while you were at
3 vice enforcement, the differences between being a
4 police officer working vice and a sergeant working
5 vice? What were the different duties and
6 responsibilities if you could?
7 A. Well, the only difference was basically paperwork and
8 supervising officers. I mean basically I did
9 everything the officers did.
10 Q. You mean as a sergeant, you did everything the officers
11 did, plus the paperwork and telling other --
12 A. Correct. If need be, if need be, I did what the
13 officers did.
14 Q. Okay. And when you say supervising, that would be
15 really a process of telling officers what to do and
16 sometimes telling them what not to do; is that correct,
17 sir?
18 A. Guiding them on what to do, correct.
19 Q. Yes. Which required you as a supervisor to be
20 conscious and aware of what was going on around you and
21 what your officers who you were guiding were doing; is
22 that correct, sir?
23 A. I would say yes.
24 Q. Okay. When you became a sergeant and were assigned to
25 vice enforcement, did you receive any particular

Page 19

1 for vice enforcement?
2 A. Yes.
3 Q. And then once you became a sergeant, did you continue
4 your assignment with vice enforcement?
5 A. No. I was assigned to patrol supervision at the 6th
6 Precinct.
7 Q. And did you eventually go back to vice enforcement as a
8 sergeant?
9 A. That's correct.
10 Q. When was that, sir?
11 A. Approximately seven to eight months after getting
12 promoted.
13 Q. So sometime in 2000--
14 A. Seven.
15 MR. GOODMAN: Seven. Okay.
16 Now, let the record show that we have asked
17 for the production of Sergeant Turner's personnel
18 record. It has not been produced and we have not
19 received that personnel file, nor had the opportunity
20 to inspect it prior to taking his deposition. If that
21 file is at some time produced or ordered to be produced
22 and there's information in there that requires coming
23 back and re-deposing this witness, we will assert that
24 right at that time.
25 BY MR. GOODMAN:

Page 21

1 training at vice enforcement with regard to the
2 operations of vice enforcement as a sergeant?
3 A. I was basically familiar with the supervision work
4 while I was there anyway, but no formal training.
5 Q. I'm sorry?
6 A. No formal training as far as the paperwork or anything
7 like that.
8 Q. When you were a police officer and began working at
9 vice enforcement, did you receive any formal training?
10 A. Yes. Yeah, we received training, correct.
11 Q. What training did you receive and in what form was it
12 provided to you?
13 A. We had raid procedures, undercovers -- we had
14 undercover school, several others, but those are the
15 two that come to mind off the top.
16 Q. And when you say raid procedures, I would like you at
17 this point to look at what has been marked as Turner
18 Deposition Exhibit 2 and I'm going -- we're going to
19 try to use this Elmo thing again, Mr. Turner, so I want
20 you to take a look at what we're going to put up on the
21 screen and see if you can dig it up. Okay? Can you
22 see it there?
23 A. Yes, I see it.
24 Q. And can you find it there in front of you among the
25 papers in front of you? I'm sorry about this.

Charles Turner

1/13/2012

7 (Pages 22 to 25)

Page 22

1 A. Would it be paperclipped or anything else or -- oh,
 2 okay. Here we go. I have it.
 3 Q. Great.
 4 A. I have it right here.
 5 Q. All right. You said when you received training about
 6 raid procedures, did you ever see this particular
 7 document in the course of the training that you
 8 received to work at vice enforcement?
 9 A. I believe this is in the manual. I have seen this
 10 before, yes.
 11 Q. Were you instructed in accordance with this particular
 12 portion of the manual?
 13 A. I can't recall that we got this specifically, but I
 14 remember seeing this document.
 15 Q. Would you say that this document constitutes an
 16 accurate statement of the policies, practices, customs
 17 and usages of the vice enforcement unit in terms of
 18 raid execution at blind pigs while you worked with that
 19 unit both as an officer and as a sergeant?
 20 MR. ASHFORD: Objection as to form.
 21 BY MR. GOODMAN:
 22 Q. Go ahead. You can answer, Mr. Turner.
 23 A. Yes, I would agree.
 24 Q. Okay. Now, can you tell us both as an officer and as a
 25 sergeant when you were with vice enforcement what kinds

Page 23

1 of activities you engaged in? What did you do?
 2 A. I did prostitution, after-hours location, blind pigs.
 3 I did stores where I did inspections. I did cab -- cab
 4 drivers and numerous other things. But those
 5 basically -- basically those were the duties I had
 6 right there.
 7 Q. When you say you did blind pigs, first of all, what do
 8 you mean by the term blind pig? What do you mean?
 9 A. I investigated -- a blind pig is selling alcohol after
 10 hours without a license.
 11 Q. Okay.
 12 A. Without a license.
 13 Q. All right. And when you did these blind pigs, these
 14 establishments where they were selling alcohol after
 15 hours and without a license, what is it that you did,
 16 sir?
 17 A. Did an investigation, did my investigation.
 18 Q. Would that involve undercover operations?
 19 A. That's correct.
 20 Q. And the investigation would be going there undercover
 21 and determining whether or not there were violations of
 22 the state liquor laws; is that correct, sir?
 23 A. I agree, yes.
 24 Q. Did you also, as part of your duties and
 25 responsibilities, engage in raids at blind pigs?

Page 24

1 A. Yes.
 2 Q. Over the years, approximately how many such raids did
 3 you do, Mr. Turner?
 4 A. As an officer and supervisor or --
 5 Q. Yeah, both. Okay. Let's break it down if you can.
 6 A. Well, as an officer, I was involved with I would say
 7 approximately maybe a hundred altogether.
 8 Q. And that's over a period of a number of years; is that
 9 right, sir?
 10 A. Yes.
 11 Q. And I was a little unclear as to how many years there
 12 were that you worked at vice enforcement both as an
 13 officer and then again as a supervisor.
 14 A. Well, I would estimate approximately 15 as an officer
 15 and a supervisor.
 16 Q. All right. While you were a sergeant and working in
 17 vice enforcement, who do you report to directly?
 18 A. Well, I had several supervisors. I had several
 19 lieutenants during that time.
 20 Q. And can you tell us who they were? This is from 2007
 21 through 2010.
 22 A. Of course Vicki Yost, Deborah Fair, Earnest White.
 23 That's about all I recall at this time.
 24 Q. Okay. Within the vice enforcement unit, whose decision
 25 was it that a raid would be conducted at a particular

Page 25

1 blind pig? Who was that decision-maker?
 2 A. It's basically the person's investigation whose it is.
 3 It could be an officer. It could be a lieutenant. It
 4 could be a sergeant. Whomever's investigation it is
 5 decides on whether we raid the location or not. Now,
 6 how we raid it is of course it's the lieutenant's.
 7 Q. When you say how you raid it, what are the choices that
 8 you might have in terms of conducting such a raid?
 9 A. Well, what I mean is about how or when we conduct a
 10 raid is basically on the lieutenant. She or he
 11 basically are in charge.
 12 Q. And when you say how we conduct such a raid, does that
 13 mean the number of officers involved in the raid?
 14 A. Well, it could be a number of things. It could be
 15 which location we come from, do we come in the back
 16 door, do we go in the side door; I mean a number of
 17 things that could be decided.
 18 Q. And those are -- I'm sorry. Go ahead.
 19 A. And of course the lieutenant who's in charge of the
 20 unit makes those decisions, correct.
 21 Q. And you say, though, that the officer who was engaged
 22 in the investigation which would be an undercover
 23 operation is the one who decides we're going to raid
 24 this place or we're not going to raid this place; is
 25 that right?

Charles Turner

1/13/2012

8 (Pages 26 to 29)

Page 26

1 A. They decide if they have -- they do their investigation
2 and they get the elements of the crime that we're
3 looking for. They decide, they let us know that they
4 have their elements and from there, okay, we set out a
5 plan to raid the location.
6 Q. Okay. Did you understand vice enforcement to have a
7 particular mission or goal with regard to blind pigs?
8 A. I don't understand that question, sir.
9 Q. Was it your understanding that it was the mission of
10 the vice enforcement unit to put an end to blind pig
11 activity to the extent that it was able to do that?
12 MR. ASHFORD: I'm going to object to that.
13 THE WITNESS: Well --
14 MR. ASHFORD: Hold on, Sergeant.
15 I'm going to object as to form.
16 You can answer. Go ahead. You can answer.
17 THE WITNESS: Well, I mean -- I mean my
18 understanding is we're -- vice was trying to eliminate
19 blind pigs or after-hours locations. I mean that's my
20 understanding.
21 BY MR. GOODMAN:
22 Q. While you were an officer with vice enforcement, how
23 often was your performance evaluated as a police
24 officer?
25 A. All the time. All the time.

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1 Q. Were there any formal evaluations on you and if so, was
2 that an annual evaluation, semiannual? Can you
3 describe that?
4 A. Well, your job performance while I was at vice was
5 scrutinized all the time, whether you're doing your job
6 or you're not doing your job on all occasions. I can't
7 give you a time limit, six months or a year. I can't
8 do that.
9 Q. Okay. Sure. Was it your understanding that a part of
10 your evaluation or the evaluation of your performance
11 as a police officer in vice would relate to how many
12 arrests you made?
13 A. No.
14 Q. That was not evaluated?
15 MR. ASHFORD: Objection; asked and answered.
16 BY MR. GOODMAN:
17 Q. Are you saying that that was not looked at by the
18 supervisor who was evaluating your performance?
19 A. I wouldn't say -- we had a sheet -- we had a sheet
20 where we had categories of how many misdemeanor arrests
21 we had, how many felony arrests, how many tickets was
22 written by you and every month an officer would turn in
23 a sheet such as that and as a supervisor, we would look
24 at that and evaluate. But we would constantly -- at
25 least I can speak for myself, I was constantly

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1 evaluating the officer's performance.
2 Q. And that in part was based upon how many tickets they
3 wrote for example; is that right?
4 MR. ASHFORD: Objection; asked and answered.
5 THE WITNESS: That's not necessarily correct.
6 BY MR. GOODMAN:
7 Q. You say not necessarily correct. Is it in any way a
8 correct statement? In other words, was it used in any
9 way to evaluate the performance of police officers by
10 supervisors?
11 MR. ASHFORD: Objection as to form; asked and
12 answered.
13 BY MR. GOODMAN:
14 Q. Go ahead, sir.
15 A. Well, I mean it was in consideration of course along
16 with other things.
17 Q. Sure. What other things?
18 A. Do you come to work on time, do you turn in adequate
19 paperwork, I mean a number of things.
20 Q. The form that you described which was submitted monthly
21 by police officers, what was that form called, sir?
22 A. I can't remember right off the bat right now, but I
23 would refer to it as a monthly.
24 Q. Have you ever heard the term tally sheet?
25 A. No.

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1 Q. Okay. The monthly that you've referred to, did that
2 also tally up the number of vehicles that were seized
3 as a result of tickets that you wrote or arrests that
4 you made?
5 A. No.
6 Q. Was that statistic kept track of in any way by anyone
7 as far as you know?
8 A. Maybe the clerk or -- but not by the officers or the
9 supervisors.
10 Q. Do you know whether the number of vehicles that were
11 seized in connection with the activities of vice
12 enforcement was a statistic that was used or evaluated
13 in evaluating the performance of a particular officer
14 or police supervisor for that matter?
15 A. No.
16 Q. Are you saying it was not?
17 A. It was not. Not to my knowledge, no.
18 Q. And you also were a supervisor. We've talked about
19 that. You were a sergeant in vice enforcement, so you
20 evaluated the work of officers who were working under
21 your command, is that correct, sir, under your
22 supervision?
23 A. Yes.
24 Q. And while you might take into account the number of
25 tickets they wrote over a period of time, you would not

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9 (Pages 30 to 33)

Page 30

1 take into account the number of vehicles that were
 2 seized as a result of their actions; is that your
 3 testimony?
 4 A. Not at all. No vehicles, no. They were never included
 5 with my evaluation.
 6 Q. Do you know whether the -- whether your unit, vice
 7 enforcement unit was evaluated within the department?
 8 A. I believe not.
 9 Q. You believe it was not evaluated?
 10 A. Not in regards to vehicles, no. I don't believe we
 11 were ever evaluated on such statistics.
 12 Q. Are you aware of whether or not when vehicles were
 13 seized, a fine and costs were paid by the owner of the
 14 vehicle in order to retrieve the vehicle?
 15 A. Yes, I'm aware of that.
 16 Q. There was money associated with a person getting their
 17 car back; is that right, sir?
 18 A. Yes.
 19 Q. Do you know whether the City of Detroit received any of
 20 that money that was turned over in connection with
 21 retrieving the vehicle?
 22 A. I understand it was between the county and the city,
 23 yes.
 24 Q. So the city did get some money; is that right?
 25 A. I believe so.

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1 Q. And you understood that at the time that you were a
 2 sergeant with the vice enforcement unit; is that
 3 correct, sir?
 4 A. Yes.
 5 Q. And you understood it when you were a police officer
 6 working with that unit as well; am I right about that?
 7 A. Yes.
 8 Q. Now, we've talked about raids and we've talked about
 9 blind pigs. What did you understand the purpose of a
 10 raid at a blind pig to be? What was to happen as a
 11 result of that raid?
 12 A. I don't understand the question.
 13 Q. I'll try and rephrase it. When you raided a blind pig,
 14 what was it you were trying to accomplish as a law
 15 enforcement officer?
 16 A. Well, me personally, I was trying to close the place
 17 down for illegal activity.
 18 Q. All right.
 19 A. That's about it.
 20 Q. Shut the place down, is that right?
 21 A. That's correct.
 22 Q. Was it also your goal to ticket anyone who was in the
 23 blind pig itself at the time of the raid?
 24 A. If necessary, yes.
 25 Q. Was it always necessary to ticket people who were in

Page 32

1 the premises at the time of the raid?
 2 A. I wouldn't say it was always necessary, but people were
 3 ticketed approximately every raid I was in, correct.
 4 Q. Every raid you were in, someone was ticketed; is that
 5 right?
 6 A. Yes.
 7 Q. Do you recall any raids in which you participated, and
 8 I think you said there may well have been over a
 9 hundred, in which people were not -- who were in the
 10 premises were not ticketed?
 11 A. No. No.
 12 Q. Now, take a look if you would at what has been marked
 13 Exhibit 2 which is the nuisance -- the Raid Execution/
 14 Blind Pig policy. Do you have that in front of you,
 15 sir? It's part of the police manual.
 16 A. Oh, the one you showed me earlier?
 17 Q. That's right.
 18 A. Yeah, I'm holding that.
 19 Q. Take a look at it for a minute. You see on the second
 20 page of that exhibit, there's a section called Raid
 21 Procedures. Do you see that, sir?
 22 A. Yes.
 23 Q. And one of the procedures that is listed is
 24 surveillance, correct?
 25 A. Yes.

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1 Q. What is your understanding of the meaning of
 2 surveillance as it's set forth in that portion of the
 3 manual?
 4 A. Well, surveillance is when you watch a location for a
 5 specific time or during certain hours and see if the
 6 information you received on that location is true,
 7 what's the activity going in and out of the location.
 8 Q. And that is what you talked about before as
 9 investigation or undercover operations; is that right,
 10 sir?
 11 A. Correct.
 12 Q. At the time that you were a sergeant with vice
 13 enforcement, was there a standard number of
 14 surveillance operations that had to be conducted before
 15 a raid could be executed?
 16 A. No, no standard number. No.
 17 Q. So it could be after one such surveillance operation or
 18 after three; is that a fair statement?
 19 A. It could be -- it could be that night. You know, if I
 20 was to set up surveillance that night and things was
 21 done, then we would do it then. No, no, no set number.
 22 Q. Okay. That's very helpful. Thank you.
 23 Once you, again in accordance with the
 24 policies of the vice enforcement unit, once you enter a
 25 blind pig in the course of a raid, who makes the

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10 (Pages 34 to 37)

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1 decision as to whether or not the people inside are
 2 going to be cited or ticketed?
 3 A. Well, normally anyone inside the location is going to
 4 be ticketed, so --
 5 Q. So the decision has been made even before you go in; is
 6 that right?
 7 A. Basically, yes.
 8 Q. Okay. And the basis for that decision, that is that
 9 anybody inside the establishment will be ticketed, is
 10 the fact that they are present in the establishment
 11 itself; is that right?
 12 A. That's correct.
 13 Q. It does not matter whether you have any evidence one
 14 way or the other that the person inside the
 15 establishment knew, for example, that the establishment
 16 was unlicensed; is that a fair statement, sir?
 17 MR. ASHFORD: Objection as to form.
 18 You can answer.
 19 THE WITNESS: Can you repeat that question,
 20 sir?
 21 BY MR. GOODMAN:
 22 Q. Sure. What I said is that the decision that was made,
 23 that is anyone in the establishment is going to be
 24 ticketed or cited, is not based upon whether you have
 25 evidence that that person knew that the particular

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1 of Arts in Detroit?
 2 A. This is why we're here now, correct?
 3 Q. That's right. Do you remember it?
 4 A. Vaguely, yes.
 5 Q. Do you remember the location?
 6 A. The vicinity, yes.
 7 Q. If I said 5141 Rosa Parks, would you disagree with me?
 8 A. No.
 9 Q. All right. That's the location or the general vicinity
 10 that you recall, is it not, sir?
 11 A. Yes, sir.
 12 Q. Okay. Do you recall how the -- how this location,
 13 establishment first came to your attention?
 14 A. I believe a complaint came in. I'm not exactly sure.
 15 Q. Do you recall hearing about the complaint or receiving
 16 the complaint yourself?
 17 A. I didn't receive it, but from my recollection, it was a
 18 complaint.
 19 Q. All right. I think you indicated one of the documents
 20 that you reviewed here was the warrant affidavit which
 21 was signed by Sergeant Buglo; am I right about that?
 22 A. The warrant? Search warrant, yes.
 23 MR. GOODMAN: Let me indicate for the record
 24 that we have marked as Turner Exhibit 3, Deposition
 25 Exhibit 3, a document which is entitled Anticipatory

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1 blind pig was licensed or not licensed; am I right
 2 about that?
 3 MR. ASHFORD: Objection as to form.
 4 BY MR. GOODMAN:
 5 Q. Go ahead, sir.
 6 A. Well, if I'm understanding your question correctly,
 7 from our investigation, it's an illegal activity and
 8 that's why they're being cited.
 9 Q. But let's say there's a person off in a corner
 10 somewhere or a person who's standing there talking to
 11 her husband or his wife. You don't base the decision
 12 about whether you're going to ticket that person on
 13 whether they knew that this particular establishment
 14 was or was not licensed, do you?
 15 A. Well, my understanding is we're ticketing the person
 16 because he's in the location and there's illegal
 17 activity inside the location, whether he knew it or
 18 not.
 19 Q. Yes. So the basis for ticketing that person is
 20 proximity and presence within the location itself, fair
 21 enough?
 22 A. That's fair enough.
 23 Q. Okay. Do you remember a raid that happened on May
 24 31st -- May 30th and 31st, 2008, at a location in
 25 Detroit known as the CAID or the Contemporary Institute

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1 Search Warrant.
 2 BY MR. GOODMAN:
 3 Q. Mr. Turner, do you have that document in front of you?
 4 A. The number on it is 08001827?
 5 Q. That's the one.
 6 A. Okay.
 7 Q. Have you seen this before you looked at it today?
 8 A. No.
 9 Q. Did you see it at the time which would have been the
 10 spring of 2008?
 11 A. No, I don't recall seeing it.
 12 Q. Have you reviewed this or read this document before
 13 your deposition today?
 14 A. I scanned through it earlier.
 15 Q. Do you recall receiving the information that is
 16 indicated in this document before today? In other
 17 words, did someone tell you these things or did you
 18 hear them at a meeting or anything like that?
 19 A. Well, I -- I knew Sergeant Buglo or Lieutenant Yost had
 20 an ongoing investigation on this place, but I never
 21 read this.
 22 Q. Okay. You knew at the time that they were involved in
 23 investigating this particular location; is that right,
 24 sir?
 25 A. That's correct.

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11 (Pages 38 to 41)

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1 Q. And how did you know that?

2 A. From them. From both of them.

3 Q. They told you, right?

4 A. That's correct.

5 Q. And did they tell you that because that was an

6 important part of their duties and your duties and

7 responsibilities at that time within the unit? In

8 other words, were you supposed to know what they were

9 up to and they were supposed to tell you what they were

10 up to and vice versa?

11 A. If they choose to tell. I mean people have their

12 separate investigations. I mean you handle -- everyone

13 handles their investigation differently. If they

14 choose to tell me what's going on with their

15 investigation at a certain time, they choose to do it.

16 If not, I will wait until it's pertinent for them to

17 tell me.

18 Q. And Mr. Turner, what was it -- who was it, which of the

19 two of them talked to you, Buglo or Yost?

20 A. Well, I talked to both of them.

21 Q. What was it that they told you was going on at this

22 location?

23 A. I understand it was selling of alcohol, alcohol use,

24 marijuana use. That's about it.

25 Q. Did they tell you about any guns or weapons at that

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1 Q. All right. And just for the record and to clarify,

2 this is dated at the top of the document May 30th,

3 2008; am I right?

4 A. Yes.

5 Q. And the following officers are listed in this

6 particular activity log: Sergeant D. Buglo, Sergeant

7 C. Turner, P.O. McClendon, P.O. S. Johnson, P.O. J.

8 Passmore, P.O. T. Gray, G-R-A-Y, P.O. R. Smith and

9 Lieutenant V. Yost. Am I right?

10 A. Yes.

11 Q. Okay. Now, let's go through some of the items that are

12 spelled out in this particular log. It says that

13 between the hours of 10:45 p.m. and 11:00 p.m., you

14 were on duty and roll call per Lieutenant Yost

15 preparing for raid?

16 A. Correct.

17 Q. First of all, did you fill out this particular log

18 sheet yourself?

19 A. No, I did not.

20 Q. Did you sign it?

21 A. Yes.

22 Q. Where is your signature on it? Oh, I see it.

23 A. Top to the right.

24 Q. Just above your printed name, right?

25 A. Correct.

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1 location?

2 A. No.

3 Q. Any violence?

4 A. No.

5 Q. Any drugs other than marijuana?

6 A. Just marijuana.

7 Q. All right. And when they told you these things, was

8 this a part of a briefing to the entire unit or were

9 these things told just to you as the other sergeant in

10 the unit?

11 A. Just to me as a sergeant and to the other officers.

12 Q. It was told to the other officers; is that right, sir?

13 A. Later on, yes, correct.

14 Q. During a briefing immediately before the raid, is that

15 when it was told to the other officers?

16 A. Yes.

17 Q. But you knew about it before that briefing; am I right?

18 A. Yes.

19 MR. GOODMAN: Now, you mentioned the run

20 sheet which I think we've agreed was the DPD activity

21 log. And let the record show that I've marked as

22 Turner Exhibit 4 the DPD activity log.

23 BY MR. GOODMAN:

24 Q. Do you have that document there before you, sir?

25 A. Yes.

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1 Q. So when it says per Lieutenant Yost, does that mean

2 that Lieutenant Yost conducted the roll call?

3 A. Correct.

4 Q. And at that roll call, did Lieutenant Yost advise the

5 unit that you were going to engage in a raid at the

6 CAID location on Rosa Parks that evening or early the

7 next morning?

8 A. That's correct.

9 Q. What else happened during the roll call with reference

10 to that particular raid, sir?

11 A. Everyone gets their assignments and we prepare for the

12 raid.

13 Q. You got your assignment for the raid itself; is that

14 correct?

15 A. That's correct.

16 Q. Was there any indication as to who was going to be the

17 raid commander?

18 A. It wasn't pointed out, but the lieutenant was.

19 Q. Right. That was a given and known to everybody; is

20 that right?

21 A. Yes.

22 Q. And who was the deputy raid commander?

23 A. Sergeant Buglo.

24 Q. What was your role supposed to be as set forth during

25 the roll call that night?

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12 (Pages 42 to 45)

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1 A. My role was to supervise the evidence team and
2 supervise the ticket -- the writing of the tickets.
3 Q. Okay. Had you supervised writing of tickets before
4 that?
5 A. Yes.
6 Q. And what did that particular responsibility consist of,
7 sir?
8 A. It consisted of making sure the tickets are accurate
9 and written correctly.
10 Q. So do you, yourself, engage in writing tickets on those
11 occasions?
12 A. Some occasions, yes.
13 Q. And do you oversee the writing of tickets by officers
14 who are under your supervision during that time?
15 A. Yes.
16 Q. Just to make sure that they're accurate?
17 A. Correct.
18 Q. And when you say accurate, what is the -- what are the
19 data or pieces of information about which you check the
20 accuracy? Do you follow my question?
21 A. Make sure they have the correct charge, it's written
22 legibly and you have the people's correct information
23 and it's filled out correctly.
24 Q. Which would be name, age, address, race and gender; is
25 that about right?

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1 A. That's correct.
2 Q. And how do you check those particular pieces of
3 information or how do you tell the officers whom you're
4 supervising how to check that?
5 A. I try to look at every ticket during and after the
6 raid.
7 Q. Well, in order to know that someone's name is correct,
8 you would have to crosscheck it with something like a
9 driver's license; is that right?
10 A. I make sure they either have a license or a proper
11 identification from the subject.
12 Q. What happens if someone doesn't have proper
13 identification?
14 A. Well, what we'll do, we'll try to obtain the
15 information. We'll set them aside and normally they're
16 the last people that we deal with. We'd run their name
17 or try to get information that would properly ID these
18 people.
19 Q. When you say try to get information, how might you try
20 if they don't have it on them?
21 A. Well, in that case, more than likely, they would be
22 arrested because we don't know who they are.
23 Q. And have you ever made such arrests in the course of a
24 blind pig raid?
25 A. Yes.

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1 Q. Can you quantify the number of times in which you've
2 made such an arrest, sir?
3 A. Not offhand. Several.
4 Q. Okay. Going back to your run sheet here which is
5 Turner Exhibit 4, 10:45 to 11:00 was the roll call. It
6 says 11:00 to 12:00, preparing for execution of search
7 warrant. Do you see that?
8 A. Yes.
9 Q. And what was involved in that preparation?
10 A. We were preparing to get our equipment together and
11 find out where we're going to hold our outside roll
12 call and everyone gets into position to conduct their
13 assignments.
14 Q. So then there was a briefing at the vice enforcement
15 unit and that briefing consisted of the information
16 that was provided during the roll call; is that right?
17 A. That's correct.
18 Q. Was any information provided to the vice enforcement
19 officers and supervisors about where the entry point
20 would be?
21 A. No, not at that time.
22 Q. Was any information provided as to the physical layout
23 of the premises of the location, of the particular
24 blind pig involved in this incident?
25 A. That's correct.

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1 Q. Okay. That was provided during the briefing at vice
2 enforcement; is that right?
3 A. That's correct.
4 Q. And when you say that between 11:00 and 12:00 you were
5 getting your equipment together, what equipment did you
6 get together?
7 A. The raid box, the tickets, your uniform, you know, your
8 raid equipment.
9 Q. Okay. And what's in a raid box, Mr. Turner?
10 A. Tickets, handcuffs, all the things necessary for the
11 raid, paperwork, a number of things we need for the
12 raid.
13 Q. How many tickets were there in the raid box on this
14 particular night?
15 A. I have no idea.
16 Q. Were you given any estimate as to how many people you
17 might expect to be inside this location during your
18 roll call briefing?
19 A. No. I don't recall.
20 Q. Well, which is it, you don't recall or they didn't give
21 you a number?
22 A. I don't recall.
23 Q. Okay. Did you have over a hundred blank, empty tickets
24 with you in the raid box that night if you know?
25 A. Normally, we have at least a hundred tickets in our

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13 (Pages 46 to 49)

Page 46

1 raid box. It's already pre -- we get tickets and we
2 put them in there just in case.
3 Q. If I were to tell you that about 134 people were
4 ticketed that night, would it be fair to say that there
5 were at least 143 blank tickets in the raid box before
6 you set out on the raid?
7 MR. ASHFORD: Objection; no foundation.
8 BY MR. GOODMAN:
9 Q. Over the objection, go ahead.
10 A. You need me to answer?
11 MR. ASHFORD: You can answer.
12 BY MR. GOODMAN:
13 Q. Yes, please.
14 A. Repeat the question, please.
15 Q. The question is this. If I were to tell you that there
16 were 134 people ticketed that night at that location at
17 5141 Rosa Parks Boulevard in the course of this raid,
18 would it be fair to say that there were at least 143
19 blank tickets in your raid box before you set out on
20 your raid that night?
21 MR. ASHFORD: Objection --
22 THE WITNESS: Yes.
23 MR. ASHFORD: -- form and foundation.
24 BY MR. GOODMAN:
25 Q. Now, according to again Exhibit 4 which is the run

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1 sheet here, at 12:15, a notation is made that you're at
2 TMU base secondary roll call. Do you see that?
3 A. Yes.
4 Q. What is meant by -- first of all, what's the TMU base?
5 A. That was a tactical mobile unit.
6 Q. And I've heard the term traffic motor unit used, also.
7 Have you ever heard that?
8 A. Yes, but totally different.
9 Q. Right. I'm familiar with tactical mobile unit, too, so
10 I was -- thank you.
11 And where was the tactical mobile unit base
12 located?
13 MR. ASHFORD: I'm going to object. Hold on,
14 Sergeant. I'm going to object to that question as
15 being confidential police information and instruct the
16 witness not to answer.
17 BY MR. GOODMAN:
18 Q. Okay. Was it in the general vicinity of the blind pig
19 location which would have been 5141 Rosa Parks if you
20 know?
21 A. No.
22 Q. All right. And what is meant by secondary roll call?
23 A. Well, we had other units involved in this, so we had a
24 roll call with other units.
25 Q. And that -- in this case, the other unit would have

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1 been the tactical mobile unit?
2 A. Correct.
3 Q. Any other units that you can think of?
4 A. I believe a narcotics enforcement unit was involved in
5 this.
6 Q. And so the secondary roll call would be another
7 briefing; is that right?
8 A. That is correct.
9 Q. At a second location, correct?
10 A. That is correct.
11 Q. The first location was the vice enforcement unit
12 location and can you say where that was?
13 MR. ASHFORD: I'm going to object to that as
14 being confidential law enforcement information and
15 instruct the witness not to answer.
16 BY MR. GOODMAN:
17 Q. Okay. And in the course of the tactical mobile unit
18 secondary roll call, how many officers were present for
19 that if you can recall?
20 A. I can't recall.
21 Q. And was the information that had been covered in the
22 initial roll call at vice enforcement gone over again a
23 second time during the secondary roll call for officers
24 who were not present during the first one?
25 A. Yes.

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1 Q. And was there any other information provided or
2 delivered at that time?
3 A. Not to my knowledge.
4 Q. Well, let me ask a question about point of entry into
5 the location itself. Was that covered at the time of
6 the secondary roll call?
7 A. Yes, it was.
8 Q. So that would have been something that was covered the
9 second time, but was not covered the first time, right?
10 A. That's correct.
11 Q. Anything else that you can think of that was covered
12 the second time not covered the first time?
13 A. No.
14 Q. At 12:45 according to Turner Exhibit No. 4, the
15 notation is made that TMU base standing by awaiting
16 information from undercover officers inside the
17 location; is that correct, sir?
18 A. Yes.
19 Q. And the undercover officers for this particular
20 operation were if you can recall?
21 A. Lieutenant Yost and Sergeant Buglo.
22 Q. So when you say standing by, what do you mean by that
23 here in this particular log?
24 A. Well, we had the initial raid team standing by while
25 the undercover officers make their way to the location.

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14 (Pages 50 to 53)

Page 50

1 Q. Standing by where?

2 A. At the base, TMU.

3 Q. So you waited at the TMU base until the call came in

4 from one of the undercover officers to commence the

5 raid; is that right?

6 A. Until the initial -- well, the officers go inside and

7 find their -- get their evidence on -- the evidence we

8 need to raid the location, then we slowly move that way

9 towards the target.

10 Q. How do you -- how are you made aware of the fact that

11 they have obtained the evidence they need for you to

12 commence the raid?

13 MR. ASHFORD: I'm going to object -- look,

14 I'm going to object to the extent that it calls for

15 confidential law enforcement information. I'm going to

16 instruct the witness not to answer anything that is

17 confidential law enforcement information.

18 MR. GOODMAN: Well, let the record show that

19 Lieutenant Yost, now Commander Yost, Inspector Yost,

20 excuse me, has testified that she, as an undercover

21 agent, made a call from inside the location to units

22 outside the location. So I think that any right to

23 assert such a privilege at this point has been waived.

24 But are you still instructing the witness not to

25 answer?

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1 MR. ASHFORD: Inspector Yost is not my client

2 and this witness is my client, so I'm instructing him

3 not to answer any questions about confidential law

4 enforcement information.

5 BY MR. GOODMAN:

6 Q. Okay. If Inspector Yost testified in this case that

7 while she was working as an undercover at the CAID

8 located at 5141 Rosa Parks Boulevard, she called

9 outside and indicated that she wanted the raid to

10 commence, in your recollection, would that be accurate

11 testimony?

12 MR. ASHFORD: Objection; no foundation.

13 Instruct the witness not to answer based on

14 confidential law enforcement information.

15 BY MR. GOODMAN:

16 Q. So Inspector Yost may or may not have been lying at the

17 time that she made that statement; is that correct,

18 sir?

19 MR. ASHFORD: Objection as to form and

20 foundation.

21 BY MR. GOODMAN:

22 Q. Over the objection, you can answer.

23 MR. ASHFORD: He can't answer. That's not a

24 fair question. He can't answer that. He doesn't know

25 if she was lying or not.

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1 MR. GOODMAN: Are you instructing him not to

2 answer it?

3 MR. ASHFORD: It's a ridiculous question. He

4 doesn't know.

5 MR. GOODMAN: Are you instructing the witness

6 not to answer the question?

7 MR. ASHFORD: He wasn't there. How does he

8 know if she was lying or not?

9 MR. GOODMAN: Your objections previously have

10 been if I may say so, Counsel, I won't use the same

11 word you used, but I think insubstantial based upon the

12 fact that there's already been testimony to this fact.

13 I'm simply having him verify it. You won't allow the

14 witness to do that, so I have to get at it one way or

15 another.

16 MR. ASHFORD: You can take it up with the

17 Court. I instruct the witness not to answer that

18 question.

19 MR. GOODMAN: Okay. We will.

20 BY MR. GOODMAN:

21 Q. Now, do you see the bottom line of the activity log,

22 first page of the activity log which is marked Turner

23 Exhibit 4 in front of you, sir?

24 A. Yes.

25 Q. And the time that's noted there, can you tell me what

Page 53

1 time that is? I can't quite -- it appears as though it

2 may be 2:20 a.m., but I can't tell for you. Can you?

3 A. It says 2:20 a.m.

4 Q. And does that comport with your recollection of this

5 incident itself, that is that --

6 A. Somewhere around that time, yes.

7 Q. Okay. And it says execution of search warrant which

8 means that's when the raid commenced in the building

9 itself; is that right, sir?

10 A. Approximately around that time, correct.

11 Q. How long did that go until?

12 A. I don't recall. All night long.

13 Q. You don't recall and the log sheet does not reflect it;

14 is that right?

15 A. No, it does not. Not at this point.

16 Q. And a part of the purpose of filling out a log sheet is

17 to indicate during what periods of time certain events

18 happened or did not happen; is that right, sir?

19 A. Well, let me correct that. On the back sheet, it says

20 5:45 a.m.

21 Q. So the raid went on from 2:20 to 5:45; is that correct,

22 sir?

23 A. Yes. It says we were headed back to the base, Base 22

24 processing prisoners and property and paperwork.

25 Q. Base 22 would have been the vice enforcement base?

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15 (Pages 54 to 57)

Page 54

1 A. Correct.

2 Q. And processing prisoners and paperwork would have been

3 the process that was going on at the location at the

4 blind pig itself; is that right, sir?

5 A. No. We must have had prisoners. No. We must have had

6 prisoners, so according to this, we were processing

7 prisoners and some was back at the base and property

8 and paperwork.

9 Q. Up until -- withdraw that question.

10 Between the period of 2:20 to 5:45, prisoners

11 or excuse me, persons -- let me start again. Let me

12 rephrase the question here.

13 Between 2:20 and 5:45, persons who had been

14 cited or ticketed and detained at the CAID premises

15 were being processed and given their citations; is that

16 right, sir?

17 A. That's correct according to the paperwork here.

18 Q. And during that period, they were not free to leave

19 until they had been processed; is that right, sir?

20 A. Correct.

21 Q. Now, where does it say -- oh, I see. On the last page

22 of Exhibit 4, it indicates as you have previously

23 testified 5:45, Base 22, processing prisoners, property

24 and paperwork, correct, sir?

25 A. Yes, that's what it says.

Page 55

1 Q. And then below that, it says 7:00 a.m., off duty. Am I

2 right about that?

3 A. Yes.

4 Q. Okay. And then also on this activity log, there's a

5 list of 134 people who were denominated as defendants.

6 Am I right about that?

7 A. Yes.

8 Q. All right. And then with regard to each of those 134,

9 there's some information about them such as their

10 names, their ages, their addresses, their race and

11 gender and the officer who was responsible for issuing

12 the citation to each of them. Am I right about that?

13 A. Correct.

14 Q. Okay. And why is that a part of the activity log

15 itself? Is that standard? Was that standard at that

16 time to indicate all persons who were ticketed or cited

17 as a part of an activity log when there was a raid?

18 A. Yes.

19 Q. Okay. I want you to look at what you called a PCR and

20 I called a Crisnet with reference to this particular

21 incident and I'm specifically referring to the report

22 number 0805310096.1. Do you see that?

23 A. Yes.

24 MR. GOODMAN: Let the record show that has

25 been marked as Turner Exhibit 5.

Page 56

1 BY MR. GOODMAN:

2 Q. And in this particular document, the same defendants

3 are listed again. Am I right about that?

4 A. It appears that way, correct.

5 Q. Along with a little bit of narrative at the end of the

6 list of defendants, do you see that narrative?

7 A. Yes.

8 Q. And in that narrative, it states, quote, "Lieutenant

9 Vicki Yost, Badge Number L-112 and Sergeant Daniel

10 Buglo, Badge S-444, both assigned to vice enforcement

11 entered the location in an undercover capacity to

12 confirm illegal activity. Writer and partner were

13 charged a five dollar cover charge and a three dollar

14 membership fee. Writer observed several patrons with

15 alcohol. Writer and partner purchased beer from the

16 bar at four dollars a cup. At approximately 2:10 a.m.

17 patrons were still being allowed into the location and

18 the bar was still open. Lieutenant Yost notified the

19 raid crew and same executed the anticipatory search

20 warrant. Writer was the affiant on the search

21 warrant." Is that what you saw on this exhibit?

22 MR. ASHFORD: Objection as to form.

23 BY MR. GOODMAN:

24 Q. Do you see that?

25 A. This is what I see. This is what I see, yes.

Page 57

1 Q. Were you informed of these facts at the time of the

2 raid itself?

3 MR. ASHFORD: Objection as to form.

4 BY MR. GOODMAN:

5 Q. Go ahead, sir.

6 A. Could you repeat that question one more time?

7 Q. Sure. Let me rephrase it. Did either Yost or Buglo

8 tell you that this is what happened at the CAID on that

9 night?

10 MR. ASHFORD: Objection as to form.

11 BY MR. GOODMAN:

12 Q. Go ahead.

13 A. No. Not that I recall, no. No.

14 Q. When did you see this Crisnet or PCR? When did you

15 first see it?

16 A. This is the first time I'm seeing the Crisnet.

17 Q. Okay. Now, it says here that Lieutenant Yost notified

18 the raid crew and same executed the anticipatory search

19 warrant. Do you see that?

20 A. Yes.

21 Q. Does that comport with your recollection of what

22 happened?

23 A. Yeah. We were notified that they had the elements and

24 we conducted the raid, correct.

25 Q. And you were notified by Lieutenant Yost; is that

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16 (Pages 58 to 61)

Page 58

1 right?
 2 A. I can't recall if it was by her or -- I can't recall.
 3 Q. Was it you that was notified about this?
 4 A. I can't recall.
 5 Q. All right. I want to go through some of the names here
 6 in Exhibit 5 with you if I may. If you would turn to
 7 page three and there's a Defendant 52 toward the bottom
 8 of page three. Do you see that?
 9 A. Yes.
 10 Q. Jenna Marie Rinke, do you see her?
 11 A. Yes.
 12 Q. And apparently, you issued the citation to Ms. Rinke;
 13 am I right about that?
 14 A. Yes.
 15 Q. Do you remember Ms. Rinke?
 16 A. No.
 17 Q. Do you remember anything that she did that night?
 18 A. No.
 19 Q. What was the reason that you issued a citation to her?
 20 A. She was loitering in a place of illegal occupation.
 21 Q. And how did you know that when you issued the citation
 22 to her?
 23 A. I knew it after we conducted the raid.
 24 Q. How did you know it?
 25 A. She was there. She was there.

Page 59

1 Q. That was the only basis for your issuance of a citation
 2 to Ms. Rinke at that time; is that correct?
 3 A. That's correct.
 4 Q. I want you to go through a few of these other names
 5 with me if you would. Turning to page five, do you see
 6 Defendant 100, Thomas Anthony Cole?
 7 A. Yes.
 8 Q. And Defendant 102, Scott Thomas Hughes?
 9 A. 102?
 10 Q. Yeah, at the very bottom of page five.
 11 A. I have a Bruce Russell Nichols as 102.
 12 Q. Excuse me. 103. I apologize. I misread that. Do you
 13 see Scott Thomas Hughes as 103?
 14 A. Yes.
 15 Q. And do you see Defendant 104, Amada B. Sandrik?
 16 A. Yes.
 17 Q. And Stefanie Marie Bockenstell is Defendant 107?
 18 A. 107? Yes.
 19 Q. And 116 is Brian Keith Savoie?
 20 A. Yes.
 21 Q. 117 is Angie Wong?
 22 A. Yes.
 23 Q. 121 is Michael Fellsman; is that right?
 24 A. Yes.
 25 Q. And with regard to each of these people, you were the

Page 60

1 person who issued the citation?
 2 A. That's correct.
 3 Q. And the only basis upon which you issued that citation
 4 was that they were present at the time?
 5 MR. ASHFORD: Objection to form.
 6 BY MR. GOODMAN:
 7 Q. Over the objection, you may answer.
 8 A. Yes.
 9 Q. And do you remember where any of these people were
 10 located within the premises itself?
 11 A. When?
 12 Q. At the time --
 13 A. When?
 14 Q. At the time you observed them in the premises?
 15 A. Against the wall or on the floor.
 16 Q. Had they been -- withdraw that question. Do you know
 17 whether there was an outside patio in this location?
 18 Do you recall?
 19 A. I don't recall.
 20 Q. Were there -- how many rooms were there in this
 21 location if you can recall?
 22 A. I don't recall that either.
 23 Q. More than one?
 24 A. Yes.
 25 Q. Were the people brought into a single location from a

Page 61

1 variety of rooms within the location?
 2 A. I believe so.
 3 Q. And was it the case that you did not see them until
 4 they were in the room into which they had been herded?
 5 A. That's a good -- yes.
 6 Q. So your knowledge of their being on the premises was
 7 with regard to some of them, may have been that someone
 8 else found them elsewhere in the premises and brought
 9 them to a particular room; is that correct?
 10 A. That's a possibility.
 11 Q. And how do you know that they were brought in from the
 12 premises itself? How do you know they were not brought
 13 in by some officer off the street?
 14 MR. ASHFORD: Objection; calls for
 15 speculation. Objection as to form, foundation.
 16 BY MR. GOODMAN:
 17 Q. Over the objection, you can answer.
 18 A. Well, once we conduct the raid, no one is allowed to
 19 come in or leave.
 20 Q. That's if your orders and policies and procedures are
 21 followed; is that correct?
 22 A. Yes.
 23 Q. And how do you know that your policies, customs and
 24 procedures were followed in this particular instance?
 25 A. I'm assuming everything was followed.

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17 (Pages 62 to 65)

Page 62

1 Q. Did you make any effort while you were present to make
2 sure that the policies, procedures and practices of the
3 vice enforcement unit with regard to raids were
4 followed in the course of this proceeding?
5 A. I try all the time.
6 Q. So that if there were any misconduct by any officers,
7 you would have observed it; is that correct, sir?
8 A. Possibly.
9 Q. Or heard about it, is that correct?
10 A. Possibly.
11 Q. Is it possible, also, that if there had been any
12 misconduct by any officers, you might not have heard
13 about it or seen it?
14 MR. ASHFORD: Objection as to form and
15 foundation; calls for speculation.
16 BY MR. GOODMAN:
17 Q. Go ahead.
18 A. It's possible.
19 Q. Did you see any acts of physical violence occur that
20 night between officers and persons who had been
21 detained on the premises at this location?
22 A. No.
23 Q. Did you see anyone kicked?
24 A. No.
25 Q. Were you aware of the fact that anyone had been kicked?

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1 A. No.
2 Q. No one told you that a person who had been detained was
3 kicked by a police officer?
4 A. No.
5 Q. Do you know whether there was any video or tape
6 recording of the entry into these premises?
7 A. Not to my knowledge.
8 Q. Did you see any recording devices anywhere on the
9 premises?
10 A. I don't recall.
11 Q. Did you ask?
12 A. No.
13 Q. Okay.
14 MR. ASHFORD: Excuse me, Bill. Can we take a
15 break, a five-minute break?
16 MR. GOODMAN: Sure.
17 MR. ASHFORD: Whenever you're ready.
18 MR. GOODMAN: This is a good time.
19 Sergeant, we're going to take a break right
20 now if that's okay with you.
21 THE WITNESS: That's fine.
22 MR. GOODMAN: Are you all right with that?
23 Maybe five or 10 minutes, okay?
24 THE WITNESS: Okay.
25 MR. GOODMAN: All right. Thank you very

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1 much.
2 THE WITNESS: Thank you.
3 (Short break 4:19 p.m. to 4:25 p.m.)
4 BY MR. GOODMAN:
5 Q. Can you hear us?
6 A. Yes.
7 Q. Great. Do you recall who was a member of the initial
8 entry team at the time of the raid? And by the raid,
9 I'm referring to the raid on May the 31st, 2008.
10 A. I believe it was TMU, tactical --
11 Q. And was that -- I'm sorry. Go ahead.
12 A. -- narcotics and vice.
13 Q. All right. So which of those units constituted the
14 entry team?
15 A. Narcotics.
16 Q. And who from narcotics was in that entry team?
17 A. I don't recall.
18 Q. Would there be any documentation of that?
19 A. I don't know, sir.
20 Q. Let's put it -- let's start with the -- with the
21 Crisnet which we've already looked at and marked as
22 Turner Exhibit 5. There's nowhere on there that any of
23 the officers, other than vice enforcement officers, are
24 indicated or reflected, is there?
25 A. That's correct.

Page 65

1 Q. And on the run sheet which we looked at before, which
2 is Turner Exhibit 4, the only officers who are
3 reflected in that particular document are vice
4 enforcement officers; is that right?
5 A. That's correct.
6 Q. And so is it fair to say that if there is any
7 documentation of who was in the entry team, you are not
8 aware of it? Is that a fair statement, sir?
9 A. That's fair.
10 Q. If, in fact, there is a video or recorded indication of
11 a police officer kicking a patron in this particular
12 raid, assuming for the moment that is the case, the
13 only way that we would be able to know who that officer
14 was unless someone were able to identify him is by
15 documenting that officer's presence at the location at
16 the time; is that a fair statement, sir?
17 MR. ASHFORD: Objection to form and
18 foundation.
19 BY MR. GOODMAN:
20 Q. You can answer.
21 MR. ASHFORD: You can answer.
22 THE WITNESS: Okay. Repeat that again.
23 BY MR. GOODMAN:
24 Q. Let me try it this way. Let's assume for the moment
25 that there is a video portrayal, that there is video

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18 (Pages 66 to 69)

Page 66

1 documentation of the fact that a police officer,
 2 someone who appears to be a police officer kicks a
 3 patron in the course of this raid. Assuming that we
 4 can't identify that person from the picture, recording
 5 that we have, the only way we're going to know who that
 6 person might be is if we know the names of the officers
 7 who were present at the time; is that a fair statement?
 8 MR. ASHFORD: Objection; form and foundation.
 9 THE WITNESS: That sounds fair.
 10 BY MR. GOODMAN:
 11 Q. And the only way we're going to know who was present at
 12 the time is if there's some documentation or official
 13 recording of that fact in the Detroit Police Department
 14 documents; is that a fair statement?
 15 MR. ASHFORD: Objection --
 16 THE WITNESS: Yes.
 17 MR. ASHFORD: -- foundation. Strike that.
 18 Objection; form; calls for speculation.
 19 BY MR. GOODMAN:
 20 Q. Over that objection, your answer to my question is yes;
 21 am I right?
 22 A. Yes.
 23 Q. Okay. Now, you indicated that you were in charge of
 24 making sure that the -- processing the issuance of
 25 citations; am I right about that?

Page 67

1 A. Yes.
 2 Q. In the course of instructing and supervising that
 3 operation, did you instruct the officers who were
 4 issuing citations and did you, yourself, make inquiries
 5 as to whether or not the people had driven to this
 6 location in a vehicle of their own?
 7 MR. ASHFORD: Objection as to form.
 8 BY MR. GOODMAN:
 9 Q. Over the objection. Go ahead, sir.
 10 A. Yeah, I inquired if they drove to that location,
 11 correct.
 12 Q. And did you instruct the other officers who you were
 13 supervising to find that out as well or did they
 14 already know that they should find it out?
 15 A. They already knew.
 16 Q. And if they found that person had driven to that
 17 location, what were they then to do and what did you do
 18 when you learned that information?
 19 MR. ASHFORD: Objection as to form.
 20 BY MR. GOODMAN:
 21 Q. Go ahead.
 22 A. To abate the vehicle.
 23 Q. And how did you abate the vehicle?
 24 A. Impound it.
 25 Q. And how did you go about impounding? What did you do?

Page 68

1 A. Well --
 2 Q. In other words, what were the steps that you took?
 3 A. We found out -- we find out if they have keys. We
 4 match the keys to the vehicle and then we impound it.
 5 Q. So you ask them, "What kind of vehicle are you
 6 driving;" is that right?
 7 A. That's correct.
 8 Q. Or what's the license plate number or something like
 9 that, right?
 10 A. Whatever we can do to establish that they drove there
 11 and it's their vehicle, correct.
 12 Q. And then you take their keys; is that right, sir?
 13 A. Yes.
 14 Q. Their car keys, and you see if the key turns on the
 15 car?
 16 A. See if it opens the car, turns it on, whichever way we
 17 can establish.
 18 Q. Did you do that yourself with some of these vehicles?
 19 A. No, I did not.
 20 Q. Who did that? Which officers did that?
 21 A. I don't recall. We have certain officers assigned to
 22 certain activity, certain jobs.
 23 Q. And some of the officers are assigned to the
 24 impoundment of vehicles; is that right?
 25 A. That's correct.

Page 69

1 Q. Did you notify the towing company to come and get the
 2 vehicles?
 3 A. Yes.
 4 Q. And the towing company was Boulevard and Trumbull
 5 Towing?
 6 A. I believe so.
 7 Q. And who -- withdraw that question.
 8 When was the towing company notified that
 9 there were vehicles to be towed?
 10 A. I don't recall. Probably later on after the raid was
 11 conducted.
 12 Q. Was it ever the case that the towing company was
 13 notified before the raid was to be conducted?
 14 A. I can't recall that.
 15 Q. Could that have been the case on this particular night?
 16 MR. ASHFORD: Objection; calls for
 17 speculation.
 18 BY MR. GOODMAN:
 19 Q. Over the objection?
 20 MR. ASHFORD: Objection as to form.
 21 BY MR. GOODMAN:
 22 Q. Go ahead.
 23 A. I can't recall.
 24 Q. Okay. I want you to look at what has been marked
 25 Turner Exhibit 6 I believe which is the Crisnet -- same

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19 (Pages 70 to 73)

Page 70

1 Crisnet number as the one we just looked at, except
2 this is point three. Do you see that one? The subject
3 is impound vehicle.
4 A. Yes.
5 Q. Now, going through the vehicle numbers again with me if
6 you would, let's go to vehicle number 54. Do you see
7 that, page two?
8 A. Yes.
9 Q. This is our friend again, Jenna Marie Rinke, to whom
10 you issued a citation as reflected in Exhibit No. 5 and
11 we already talked about that. Do you remember Ms.
12 Rinke from the last exhibit?
13 A. Yes.
14 Q. Okay. And it says here that -- same information as
15 before and your name is mentioned again. Do you see
16 that?
17 A. Yes.
18 Q. Now, underneath that, it indicates that she was driving
19 a 2001 red Plymouth Neon with a license plate number
20 and so on. Do you see that?
21 A. Yes.
22 Q. Did you get that information from her at the time you
23 issued the citation?
24 A. I don't recall if I got the information directly, but I
25 obtained the information.

Page 71

1 Q. You personally obtained the information that night?
2 A. I don't recall if I did or not, not from her
3 personally.
4 Q. So somebody then after the citations were issued or
5 before the citations were issued went around the group
6 and asked people, "Do you have a car," and, "Give me
7 your keys," and that kind of thing? Am I right about
8 that?
9 A. Yes.
10 Q. And they identified the cars at that time; is that
11 correct, sir?
12 A. Yes. Yes.
13 Q. And I see that the towing company here was AC Towing;
14 is that correct?
15 A. Yes. That's what it says.
16 Q. And I think AC is a subsidiary of B and T Towing if you
17 know. Do you know that?
18 A. No. I don't know.
19 Q. Leaving that aside for the moment, who was it that put
20 together the information here and made sure that the
21 description of the vehicles, the ownership of the
22 vehicles and the name of the towing company was
23 included in this particular police report if you know?
24 A. I don't recall, but whomever was working the staging
25 area.

Page 72

1 Q. Was it somebody in your unit?
2 A. Yes, more than likely.
3 Q. We've already talked about the entry team. Was there a
4 separate commander for the entry team itself that
5 night?
6 A. Like I say, narcotics handled the entry.
7 Q. Right.
8 A. So I'm sure they had a separate commander.
9 Q. Did you know at that time who that commander was?
10 A. No.
11 Q. Now, I asked you before -- I don't know if you remember
12 this -- who made the decision as to who would be
13 ticketed that night and I think you indicated that that
14 decision was made before the raid was even commenced.
15 Do you recall that testimony, sir?
16 A. Well, normally, everyone is ticketed in the location.
17 Q. Right. And I have the same question with regard to the
18 seizure of vehicles that night. Who made the decision
19 that any vehicles that were detected or found with
20 regard to people who were cited or given tickets that
21 night, that those vehicles would be seized or
22 impounded?
23 MR. ASHFORD: Objection; form and foundation.
24 BY MR. GOODMAN:
25 Q. Can you answer?

Page 73

1 A. Well, Lieutenant Yost was in charge. Normally, the
2 decision is made once we conduct the raid that everyone
3 is getting a ticket and if they drove a vehicle, it's
4 going to be impounded.
5 Q. If they drove a vehicle to the location. Is that
6 right, sir?
7 A. Yes.
8 Q. What about if they drove a vehicle a mile away and left
9 it a mile away from the location and drove over with a
10 friend or something like that, would that vehicle be
11 impounded in your opinion?
12 MR. ASHFORD: Objection; form and foundation.
13 BY MR. GOODMAN:
14 Q. Over the objection?
15 A. No, that's too far away.
16 Q. How about a half mile?
17 MR. ASHFORD: Same objection; form and
18 foundation.
19 THE WITNESS: That's too far away.
20 BY MR. GOODMAN:
21 Q. Okay. Were you aware of the fact that a vehicle driven
22 by a Mr. Mobley in fact was located about a half a mile
23 away and was seized that night? Did you ever hear
24 that?
25 MR. ASHFORD: Objection; foundation.

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20 (Pages 74 to 77)

Page 74

1 THE WITNESS: No.
 2 BY MR. GOODMAN:
 3 Q. Did you ever learn that there was a citizens complaint
 4 investigation based upon the seizure of that vehicle?
 5 Did anyone from internal affairs or any other unit
 6 within the department ever question you about that
 7 vehicle or the seizure of that vehicle?
 8 MR. ASHFORD: Objection; form.
 9 BY MR. GOODMAN:
 10 Q. Go ahead.
 11 A. No.
 12 Q. I want to ask you just a couple questions about your
 13 disciplinary record if I may and I have marked as
 14 Exhibit 7, Turner Exhibit 7 a document called Officer
 15 Information Report. Do you see that there in front of
 16 you?
 17 A. Yes.
 18 Q. Okay. Great. Take a moment and review it if you
 19 would, please.
 20 A. Okay.
 21 Q. On the first page of this, there are a number of listed
 22 citizen complaints from 1991 through 1999. Do you see
 23 those?
 24 A. Yes.
 25 Q. And those involved all sorts of allegations, force, I

Page 75

1 guess it's improper force, improper arrest and other
 2 allegations. Do you see -- there's a whole bunch of
 3 them listed there. Do you see them there, sir?
 4 A. Yes.
 5 Q. With regard to each one of them, there's a finding of
 6 either proper conduct, insufficient evidence, unfounded
 7 -- or unfounded-charge with regard to each of them; is
 8 that right?
 9 A. Yes.
 10 Q. In none of these cases were any of these charges
 11 sustained; am I right?
 12 A. Correct.
 13 Q. Going now to the second page of this exhibit, this is
 14 reports based -- findings of the Office of Chief
 15 Investigator. Do you recall any such investigations by
 16 the OCI?
 17 A. Yeah. Yes.
 18 Q. Okay. And with regard to all of these OCI
 19 investigations, the same thing happened, either there
 20 was exoneration, charges were not sustained or they
 21 were unfounded with the exception of one. Am I right
 22 about that?
 23 A. With the exception of one?
 24 Q. The one would be --
 25 A. Correct.

Page 76

1 Q. The one would be where the finding was resolved.
 2 A. Correct.
 3 Q. Do you see that? What was that particular incident?
 4 A. I don't recall at this time.
 5 Q. That would have been in January of 2007, five years
 6 ago. You don't recall?
 7 A. No.
 8 Q. We're getting there, sir. I'm almost done.
 9 I want to ask you one or two more questions
 10 about your disciplinary history or the history that we
 11 have a record of and I have marked as Deposition
 12 Exhibit 8 a Citizens Complaint Report from again this
 13 is January of '07 from Jane Shallal, President of the
 14 Associated Food & Petroleum Dealers, Incorporated. Do
 15 you see that? Do you have that there?
 16 A. Yes.
 17 Q. Could that be the incident which was indicated as
 18 resolved in the OCI report? It's about the same period
 19 of time as I see it.
 20 A. I'm not sure, sir.
 21 Q. All right. Do you remember this particular
 22 investigation?
 23 A. No.
 24 Q. Do you want to take a moment and read through this
 25 document?

Page 77

1 A. Yes. Give me a moment.
 2 Q. Yes, I will and for the record again, this is marked
 3 Turner Exhibit 8. Go ahead, sir.
 4 A. All right. Go ahead, sir.
 5 Q. Now, do you remember this investigation after reviewing
 6 this document, sir?
 7 A. Vaguely, yes.
 8 Q. And in this letter and complaints were made by this
 9 association, the Associated Food & Petroleum Dealers,
 10 Incorporated, about harassment that was going on,
 11 alleged harassment on the west and northwest side of
 12 the City of Detroit; am I right about that?
 13 A. I recall it vaguely, yes.
 14 Q. Do you recall being instructed in any way or admonished
 15 in any way by the chief of the department at that time
 16 or any other superior about your conduct with regard to
 17 retail establishments?
 18 A. No.
 19 Q. Do you recall anybody telling you anything about these
 20 charges or what you should or should not do in
 21 connection with them?
 22 A. I was informed of the allegations, yes.
 23 Q. Did you respond to the allegations?
 24 A. No.
 25 Q. Why not?

Charles Turner

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21 (Pages 78 to 81)

Page 78

1 A. I had no reason to. We continued to do what we was
2 doing, do our inspections and write tickets.
3 Q. Did you see that there were at least a couple tickets
4 attached to this particular exhibit that were written
5 by -- by vice?
6 A. Yes, I see this.
7 Q. Were those tickets written by you?
8 A. Not to my knowledge.
9 Q. Okay. Is that your handwriting on those tickets?
10 A. No.
11 Q. All right. Thank you.
12 The last exhibit now is Exhibit 9. If you
13 would, just go to that one. And this is something
14 titled Interoffice Memorandum; name of complainant,
15 Jeffrey Elliott, Junior; involved officers, Sergeant
16 Durelle Cooper, formerly Sergeant Charles Turner,
17 Investigator Herman Williams and Police Officer Crystal
18 Hunter. Do you remember that?
19 A. No, I don't.
20 Q. Do you have the document in front of you? Do you see
21 it?
22 A. Yes, I see the document, but I don't recall a Jeffrey
23 Elliott.
24 Q. Do you see that according to this document, you were
25 assigned to the domestic violence unit?

Page 79

1 A. Yes.
2 Q. And were you assigned to the domestic violence unit?
3 A. Yes, temporarily.
4 Q. When was that? When you say temporarily, what period
5 of time was that?
6 A. I was suspended and then they brought us back. They
7 assigned me to domestic violence until -- until I
8 retired.
9 Q. How long a period of time was that?
10 A. I would say a year at the most.
11 Q. Did the domestic violence unit investigate crimes
12 involving domestic violence? I assume they did by the
13 name of the unit, right?
14 A. Yeah. Yes.
15 Q. Did they also investigate allegations of domestic
16 violence with reference to Detroit police officers?
17 A. Yes.
18 Q. And was there a notation or any way in which if a
19 police officer was involved in a domestic violence
20 charge within the domestic violence unit, that was
21 specially noted or kept track of?
22 A. Yes, I'm sure -- at some point, internal affairs takes
23 over a case involving an officer.
24 Q. But there was a way of keeping track of that within
25 domestic violence itself; am I right about that?

Page 80

1 A. I'm sure there was.
2 MR. GOODMAN: Okay. I want to take a short
3 break here and we're almost done, but I want to just
4 check in with my colleague, Ms. James and I'll be back
5 with you in a few minutes if I may.
6 THE WITNESS: Okay.
7 MR. GOODMAN: Is that okay with you?
8 THE WITNESS: That's fine.
9 MR. GOODMAN: Oh, before we go off the
10 record, I would like the record to reflect that the
11 time shown at the bottom of the screen is currently --
12 what is it? I can't read the time. Can someone tell
13 me what that is?
14 MR. ASHFORD: I think it says 5:52.
15 MR. GOODMAN: It says 5:52 on the screen
16 which is being recorded here. You probably can't see
17 that, Mr. Turner, but in Detroit, the time actually is
18 4:52. So that consistently, the times that are shown
19 on the screen here are an hour later than the times --
20 than the actual time. But that's just so that we have
21 an accurate time.
22 What time do you show on your watch there?
23 THE WITNESS: 2:53.
24 MR. GOODMAN: 2:53. Okay. Thank you. We'll
25 take a short break and I'll be back with you in just a

Page 81

1 minute. Okay?
2 THE WITNESS: All right.
3 MR. GOODMAN: Thank you.
4 THE WITNESS: Okay. Thanks.
5 (Short break from 4:53 to 4:54)
6 MR. GOODMAN: Let's go back on the record
7 here. Mr. Turner, I want to thank you very much for
8 your time this afternoon, your cooperation. This has
9 gone very smoothly and largely as a result of your
10 being willing to work with us and cooperative at a long
11 distance. So thank you very much and have a good
12 evening.
13 THE WITNESS: Thank you.
14 (The deposition was concluded at 4:55 p.m.;
15 signature of the witness was not requested by counsel
16 for the respective parties hereto.)
17
18
19
20
21
22
23
24
25

Charles Turner

1/13/2012

22 (Page 82)

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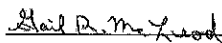
CERTIFICATE OF NOTARY

STATE OF MICHIGAN)

) SS

COUNTY OF MACOMB)

I, Gail R. McLeod, Certified Shorthand Reporter, a
Notary Public in and for the above county and state, do
hereby certify that the above deposition was taken before me
at the time and place hereinbefore set forth; that the
witness was by me first duly sworn to testify to the truth,
and nothing but the truth, that the foregoing questions asked
and answers made by the witness were duly recorded by me
stenographically and reduced to computer transcription; that
this is a true, full and correct transcript of my
stenographic notes so taken; and that I am not related to,
nor of counsel to either party nor interested in the event of
this cause.


Gail R. McLeod, CSR 2901
Notary Public,
Macomb County, Michigan



My Commission expires: September 23, 2017

EXHIBIT 27

Officer Sheron Johnson

10/28/2011

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY MOBLEY, PAUL KAISER,
ANGIE WONG, JAMES WASHINGTON, NATHANIEL
PRICE, JEROME PRICE, STEPHANIE HOLLANDER,
JASON LEVERETTE-SAUNDERS, WANDA LEVERETTE,
DARLENE HELLENBERG, THOMAS MAHLER, and
LAURA MAHLER,

Plaintiffs,

Hon. Victoria A. Roberts
Magistrate Judge Mona K. Mazoub
No. 10-cv-10675

-vs-

CITY OF DETROIT, a municipal
corporation, Lieutenant VICKI YOST,
a Detroit police officer, in her
individual capacity, Sergeant DANIEL
BUGLO, a Detroit police officer, in his
individual capacity, Sergeant G. MCWHORTER,
a Detroit police officer, in his/her
individual capacity, Sergeant A. POTTS,
a Detroit police officer, in his/her
individual capacity, Sergeant CHARLES TURNER,
a Detroit police officer, in his individual
capacity, Officer M. BROWN, a Detroit police
officer, in his/her individual capacity, Officer
B. COLE, a Detroit police officer, in his/her
individual capacity, Officer TYRONE GRAY, a
Detroit police officer, in his individual
capacity, Officer SHERON JOHNSON, a Detroit
police officer, in her individual capacity,
Officer K. SINGLETON, a Detroit police officer,
in his/her individual capacity, and UNNAMED
DETROIT POLICE OFFICERS, in their individual
capacities,

Defendants.

DEPOSITION OF POLICE OFFICER SHERON JOHNSON

FRIDAY, OCTOBER 28, 2011

Officer Sheron Johnson

10/28/2011

2 (Pages 2 to 5)

Page 2

1
2 Deposition of POLICE OFFICER SHERON JOHNSON,
3 taken in the above-entitled cause before Denise Moorfoot,
4 (CSR-2275), Court Reporter and Notary Public for the County
5 of Oakland, State of Michigan, at 660 Woodward, Suite 1650,
6 Detroit, Michigan, on Friday, October 28, 2011, commencing at
7 or about the hour of 10:45 a.m.
8 APPEARANCES:

9
10 MR. DANIEL S. KOROBKIN
11 American Civil Liberties Union Fund of Michigan
12 2966 Woodward Avenue
13 Detroit, Michigan 48201
14 -and-
15 MS. KATHRYN BRUNER JAMES
16 Goodman & Hurwitz, P.C.
17 1394 E. Jefferson Avenue
18 Detroit, Michigan 48207
19 Appearing on behalf of the Plaintiffs.
20 MR. JERRY ASHFORD
21 City of Detroit Law Department
22 660 Woodward Avenue
23 1650 First National Building
24 Detroit, Michigan 48226
25 Appearing on behalf of the Defendants.

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3	POLICE OFFICER SHERON JOHNSON	
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5	DEPOSITION EXHIBITS	
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7	Tecum of Officer Sheron Johnson	
8	Exhibit 2 - Michigan Commission on Law Enforcement	10
9	Standards, Individual Employment History	
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11	Raid Execution/Blind Pig	
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16	Citizen Complaint Report Filed Against	
17	DPD Officer	
18		
19		
20		
21		
22		
23		
24		
25		

Page 4

1 Detroit, Michigan
2 Friday, October 28, 2011
3 10:45 a.m.
4 ---

SHERON JOHNSON

6 was thereupon called as a witness herein and, after
7 having been first duly sworn to tell the truth, was
8 examined and testified as follows:
9 ---

EXAMINATION

BY MS. JAMES:

Q Good morning, Officer Johnson.

A Good morning.

Q My name is Kathryn James. This is my colleague, Dan
Korobkin. I represent eight people who were ticketed on
May 31st, 2008, at a raid at the Contemporary Art
Institute of Detroit as well as four people who were not
present at the raid but whose cars were seized that
evening.

I'm going to be asking you a number of questions
about that incident. Prior to that, I'll be asking you
just a little bit about your background and your training
and various duties in the Detroit Police Department, but
first I would like to ask you if you have ever been
deposed before?

Page 5

1 A Yes, I have.
2 Q Do you know approximately how many times?
3 A Probably more than three, less than five.
4 Q Okay. So since you have been through this process before,
5 you have a sense of sort of the ground rules, but I'll
6 repeat a few just to refresh your memory.
7 A Okay.
8 Q One of the ground rules is you should give all of your
9 answers verbally. Try to avoid shaking or nodding your
10 head or saying uh-huh or uh-uh, because the court reporter
11 needs to get an accurate reflection of what you mean. So
12 if you do something like that, say uh-huh or uh-uh, I
13 might ask you to say yes or no, and I'm not trying to be
14 rude; I'm just trying to clarify the record.
15 A Understood.
16 Q The other thing is, if there's a question that you don't
17 hear and you'd like it repeated, you can ask me to repeat
18 it, you can ask the court reporter to repeat it, but more
19 importantly, if there's a question that you don't
20 understand and you're just not sure what I mean, feel free
21 to ask me to clarify it or rephrase it for you.
22 A Okay.
23 Q And the final thing I'd like to just state for the record
24 is you're represented here today by Mr. Ashford who works
25 for the City of Detroit Law Department, and he might make

Officer Sheron Johnson

10/28/2011

3 (Pages 6 to 9)

Page 6

1 a few objections throughout the course of the deposition.
 2 Unless he instructs you not to answer a question, then
 3 what you should do is pause, let him finish his objection,
 4 but go ahead and answer the question when he's completed.
 5 Does that make sense to you?
 6 A Yes, it does.
 7 Q Okay. I'm going to start with marking Exhibit No. 1.
 8 (WHEREUPON, Deposition Exhibit 1
 9 was marked for identification.)
 10 BY MS. JAMES:
 11 Q This is the Third Notice of Taking Deposition Duces Tecum
 12 of Officer Sheron Johnson, and I'll hand you a copy, and
 13 I'd like you to take a look at the document, and I'm going
 14 to ask you whether you have seen it before today?
 15 A No, I haven't.
 16 Q And were you asked to bring anything with you today?
 17 A No, I was not.
 18 MS. JAMES: Okay. And just for the record, I'm
 19 going to reserve the right to continue this deposition if
 20 the defendants subsequently produce any discovery that was
 21 requested in the duces tecum portion. I'll take that
 22 back.
 23 BY MS. JAMES:
 24 Q Did you review any documents before today's deposition?
 25 A Yes.

Page 8

1 A 1987.
 2 Q Have you obtained any college degrees or certifications?
 3 A No. I attended Hillsdale College.
 4 Q What years did you attend Hillsdale?
 5 A '87-89.
 6 Q And did you declare a major while at Hillsdale?
 7 A No.
 8 Q So you were taking sort of your general requirement
 9 classes there?
 10 A Correct.
 11 Q Have you taken any college classes since attending
 12 Hillsdale?
 13 A Yes.
 14 Q And where?
 15 A WC3.
 16 Q Okay. What kind of classes have you taken there?
 17 A Criminal justice.
 18 Q Okay. But you haven't completed a degree or
 19 certification?
 20 A No.
 21 Q And, I'm sorry, what time period did you go to WC3?
 22 A I don't know. I went off and on.
 23 Q Several years ago?
 24 A Yeah. I took it class by class.
 25 Q What's your date of hire at the Detroit Police Department?

Page 7

1 Q And what did you review?
 2 A CRISNET report, activity log, and search warrant.
 3 Q Okay. And I think I saw another document that was a blind
 4 pig raid document of some kind?
 5 A Oh, yes, mm-hmm.
 6 Q All right. Did you review any deposition transcripts to
 7 prepare for today?
 8 A No.
 9 Q All right. Can you give me your full name and your badge
 10 number?
 11 A Sheron Denise Johnson, badge number 4610.
 12 Q And has that been your badge number throughout your
 13 employment with the Detroit Police Department?
 14 A Yes, it has.
 15 Q What department are you currently working for, or what
 16 unit I should say?
 17 A I work for the Northeastern District.
 18 Q And am I correct that your current rank is police officer?
 19 A Correct.
 20 Q And has it been police officer throughout your employment
 21 with the Detroit Police Department?
 22 A Yes, it has.
 23 Q Okay. Where did you graduate from high school?
 24 A Detroit Kettering High School.
 25 Q What year was that?

Page 9

1 A April 27th, 1998. 1998.
 2 Q All right. Now, between high school and working for the
 3 Detroit Police Department, did you have any other law
 4 enforcement employment?
 5 A No.
 6 Q What kind of work did you do -- We don't need to go
 7 through every job, but in general, what kind of work did
 8 you do between high school and working for the Detroit
 9 Police?
 10 A Coaching.
 11 Q Coaching? What kind of coaching?
 12 A High school track and field and cross-country.
 13 Q Okay. Did you attend police academy through the Detroit
 14 Police?
 15 A Yes.
 16 Q And when did you complete the police academy?
 17 A October the 17th, 1998.
 18 Q And can you please list for me, starting with the first
 19 unit that you were assigned to, can you sort of go through
 20 the different units and assignments you have had in the
 21 DPD from then until now?
 22 A 13th Precinct, October '98 --
 23 Q Okay.
 24 A -- for three months, 13th Precinct special operation
 25 undercover division from '98 to 2001, narcotics unit from

Officer Sheron Johnson

10/28/2011

4 (Pages 10 to 13)

Page 10

1 '01 to '06, vice unit from '06 to '09, and currently at
 2 the Northeast District from '09 to present.
 3 Q Thank you. Have you ever applied for a promotion that you
 4 were denied?
 5 A No.
 6 Q All right. I'm going to hand you the next exhibit that
 7 will be marked as No. 2.
 8 (WHEREUPON, Deposition Exhibit 2
 9 was marked for identification.)
 10 BY MS. JAMES:
 11 Q And this document, for the record, is a five-page
 12 document. On page 1 of 5 it says "Michigan Commission on
 13 Law Enforcement Standards, Individual Employment History,"
 14 and the first thing I'll ask you is -- I'll give you a
 15 moment to review it, but is this a document that you're
 16 familiar with? Have you ever seen it before?
 17 A I've never seen it before.
 18 Q Okay. I'll give you a little bit longer to review it
 19 again, and I'd like you to take a look at this document
 20 and see if it appears, based on your memory as you sit
 21 here today, see if it appears to you to list all of the
 22 training that you have received through the Detroit Police
 23 Department?
 24 A Every page or just the first page?
 25 Q The entire packet, all five pages.

Page 12

1 wasn't sure whether you meant that you had monthly
 2 training throughout your career at the police department
 3 or just in your most recent unit.
 4 A It all depends on what unit I have and what's the
 5 requirements for them.
 6 Q Okay.
 7 A Since I have been at the Northeast District, I have
 8 training once a month, every Tuesday.
 9 Q I see. Okay. Do you recall, when you were assigned to
 10 vice enforcement, did you have any regular periodic
 11 training in that unit?
 12 A Department training?
 13 Q Yes.
 14 A Or just training in general?
 15 Q Either one. Department-wide, specific to that unit, if
 16 there was any regular periodic training?
 17 A Well, I wouldn't say periodic, but we had regular
 18 training.
 19 Q But it wasn't like what you have now where it was the
 20 first Tuesday of every month?
 21 A Well, that's required training, but when I was at the vice
 22 unit, we had continuing training.
 23 Q And was that continuing training on a regularly-set basis?
 24 A No.
 25 Q Okay. It was sort of as -- Strike that.

Page 11

1 A I can say that it's probably the training that I received,
 2 yeah.
 3 Q Is there anything that stands out in your mind, as you
 4 review this, is there anything that appears to be missing
 5 to you?
 6 MR. ASHFORD: Objection to the form.
 7 THE WITNESS: I don't know. I don't know what
 8 this form is, so I don't know if something is missing.
 9 BY MS. JAMES:
 10 Q Okay. Well, all I'm asking is, is there any specific
 11 training that you can think of, as you sit here now, that
 12 is not on this list?
 13 A I don't know. I mean, I have training at my district once
 14 a month. I don't see that on here.
 15 Q What kind of training do you have once a month?
 16 A Whatever training that the department requires for us to
 17 have.
 18 Q Okay. So it varies from month to month?
 19 A Yes.
 20 Q And does it happen on a certain day of the month?
 21 A First Tuesday.
 22 Q First Tuesday. And has that just been while you were at
 23 the Northeast District?
 24 A As far as --
 25 Q I guess the way that you phrased your original answer, I

Page 13

1 How often would that training occur?
 2 A Could be daily.
 3 Q Oh, it could be daily?
 4 A Yes.
 5 Q For the period while you were on vice enforcement, can you
 6 give me an estimate of approximately how many times you
 7 attended some kind of formal training session?
 8 MR. ASHFORD: Objection as to form.
 9 THE WITNESS: No.
 10 BY MS. JAMES:
 11 Q Have you received any training that's specific to the
 12 Detroit city ordinance that authorizes ticketing people
 13 for loitering in a place of illegal occupation?
 14 A I don't understand that question.
 15 Q You're familiar with the ordinance that authorizes
 16 ticketing for loitering in a place of illegal occupation;
 17 is that correct?
 18 A Yes.
 19 Q How did you become familiar with it?
 20 A By our general orders.
 21 Q Okay. And --
 22 A And the City of Detroit Municipal Code, M Code.
 23 Q And do you receive those general orders and a copy of the
 24 code in writing?
 25 A I have it logged on my cell phone.

Officer Sheron Johnson

10/28/2011

5 (Pages 14 to 17)

Page 14

1 Q Oh, is that how it's distributed to you from the City? Do
2 they send it to you electronically?
3 A No. We're given a hard copy.
4 Q I see. Okay. And along with that hard copy, is there any
5 kind of discussion that takes place or description that
6 you receive?
7 A If it's anything major that has changed, someone from the
8 City Prosecutor's Office will come in and give us
9 training.
10 Q As you sit here today, do you remember ever receiving such
11 training from the prosecutor's office on this particular
12 ordinance?
13 A Which one, the loitering?
14 Q Correct.
15 A No.
16 Q And have you ever received any specific training on the
17 Michigan nuisance abatement statute?
18 A What do you mean by training?
19 Q Okay. Are you familiar with the Michigan nuisance
20 abatement statute?
21 A Yes.
22 Q And how did you become familiar with it?
23 A From doing OT operations and undercover blind pig.
24 Q What does OT mean?
25 A Prostitution.

Page 15

1 Q So when you did those operations, did you receive a copy
2 of the statute? I guess be a little more specific about
3 how you became familiar with it.
4 A Just in training, when I went to undercover training for
5 prostitution operation.
6 Q Undercover training. Okay. And when did that training
7 occur?
8 A My first training for that was in 1999.
9 Q And do you recall receiving additional training after
10 1999?
11 A I have been doing it since 1999 to present.
12 Q Okay. So the answer is, yes, you have received additional
13 training on nuisance abatement statute since then?
14 A I don't understand what you mean by training. Once the
15 information is given, we have the paperwork with us, all
16 the information is on our nuisance abatement form that we
17 give to the complainant -- I mean to the defendant.
18 Q I'm talking about something more than just a written form.
19 I'm talking about any session that you have -- any -- I
20 don't know if the word session is confusing, so let me
21 restart the question.
22 I'm not talking about written forms. I'm
23 talking about any discussions or meetings that you have
24 been asked to attend where the nuisance abatement statute
25 is explained or described.

Page 16

1 A Well, I would say it would be fair to say, if any language
2 has been changed in the normal procedure that we do on a
3 day-to-day basis, then that form is presented to us by our
4 supervisors, and we're instructed on what the changes are,
5 if any.
6 Q So has anything like what you just described occurred
7 since 1999 regarding the nuisance abatement statute?
8 A I'm not --
9 MR. ASHFORD: You mean with regard to her?
10 MS. JAMES: Yeah.
11 MR. ASHFORD: Okay.
12 THE WITNESS: Well, I don't understand what you
13 mean by the nuisance and abatement. Are you speaking of
14 what my role is as far as dealing with the form? Because
15 my role with the nuisance and abatement form isn't the
16 same as another officer so --
17 BY MS. JAMES:
18 Q Right. I'm only asking you to testify as to what you have
19 ever experienced or what you know. I'm not asking about
20 anybody else.
21 A Well, that question that you're asking me about the
22 nuisance and abatement, do you have a copy of the form so
23 I could see it?
24 Q I don't have a copy of the form.
25 A Well, I can't answer that question because --

Page 17

1 MR. ASHFORD: So your question is what? Has she
2 ever been -- Has anyone ever discussed nuisance abatement
3 with her during the time she has been in the police
4 department?
5 MS. JAMES: I want to know what kind of training
6 she has had regarding the nuisance abatement statute and
7 how you understand to apply it.
8 MR. ASHFORD: But you asked her about meetings
9 and discussions. That's not what you asked. So what's
10 your question?
11 BY MS. JAMES:
12 Q I want to know what kind of training you have received
13 regarding the nuisance abatement statute and how you
14 understand it's applied.
15 MR. ASHFORD: Objection as to form.
16 THE WITNESS: I would like to see the form. I
17 would like to see what you're asking me to answer that
18 question as far as the nuisance and abatement form.
19 BY MS. JAMES:
20 Q Are you familiar with the nuisance abatement statute?
21 A Yes, I am.
22 Q Okay. And how did you become familiar with it?
23 A From training from my supervisors.
24 Q Okay. When was this training with your supervisors?
25 A I don't know. I have been at narcotics and vice for the

Officer Sheron Johnson

10/28/2011

6 (Pages 18 to 21)

Page 18

1 last eleven years.
 2 Q What kind of training did you receive from your
 3 supervisors that you recall?
 4 A The nuisance and abatement law, if it has changed from the
 5 first time that I saw the paperwork and applied it, if
 6 there was any changes to it, then, again, the paperwork
 7 would be given to us, and we would be told of the changes
 8 with it.
 9 Q As you sit here today, do you recall having been told that
 10 it has changed and those changes being described to you?
 11 A No.
 12 Q Have you received any training that's specific to blind
 13 pig raids?
 14 A Yes.
 15 Q And when did that training occur?
 16 A I have had many trainings. I don't know. I don't know
 17 the exact dates.
 18 Q Okay. Can you remember any of them, a rough time period?
 19 A I'll say probably four years ago.
 20 Q Okay. Do you remember who gave that training?
 21 A It's not a specific training class. Whenever we go out
 22 and do an operation, we do the training before we go out
 23 and do the operation.
 24 Q So on-the-job training?
 25 A Let me take away training. I wouldn't necessarily call it

Page 20

1 it's police officers.
 2 Q And did you receive any written materials in that
 3 training? Were you given any documents that described the
 4 training?
 5 A Yes.
 6 Q Do you remember what kind of documents those were? Can
 7 you describe them for me?
 8 A Are you asking me required training? Because it's
 9 different in the unit that I work at, you know. I go
 10 through day-to-day training. So are you asking for -- is
 11 it departmental forms or something from the city, or are
 12 you just saying just in general practice of the unit that
 13 I work for?
 14 Q In general practice, is there any time where you have
 15 received some records in the context that you would call
 16 training on a blind pig raid?
 17 A Yes.
 18 Q And what kind of records did you receive?
 19 A Some from the Michigan Liquor License Commission.
 20 Q Okay.
 21 A Our narcotic vice codes.
 22 Q Okay. And when you say codes, are you talking about City
 23 of Detroit ordinances or Detroit Police -- I guess what do
 24 you mean? What is code?
 25 A Both. It's called SOP, standard operation procedures.

Page 19

1 training. It's just, when I go out and do a UC operation,
 2 we go over details as far as our safety factors, what we
 3 have to do, so I wouldn't even say it's training.
 4 Q Okay. So you haven't been trained specifically in blind
 5 pig raids; is that what you're saying?
 6 MR. ASHFORD: Objection as to form.
 7 THE WITNESS: Yes, I have been.
 8 BY MS. JAMES:
 9 Q I guess I'm confused then, because first you said you were
 10 trained four years ago, but then you said, "I wouldn't
 11 really call it training."
 12 A No.
 13 Q I'm not sure what you mean.
 14 A I didn't say I was trained four years ago. You said think
 15 of a date of what's the last time I probably received some
 16 training.
 17 Q Okay.
 18 A And the reason why I said four years ago is because I have
 19 been at the district for about three years.
 20 Q Okay.
 21 A So I can say the last time I was at vice was in 2008-09,
 22 so that was probably the last time I received some type of
 23 training from that.
 24 Q And who did that training? Who administered it?
 25 A I don't know. I have different supervisors. Sometimes

Page 21

1 Q Okay. And was all of this training on blind pig raids
 2 limited to the time period where you were on vice
 3 enforcement?
 4 A What training?
 5 Q Training on blind pig raids.
 6 A No. I worked for the narcotic unit, also.
 7 Q Oh, I see.
 8 A Yes.
 9 Q And have you ever received any training that is specific
 10 to the execution of search warrants?
 11 A Yes.
 12 Q Okay. And when is the last time you have been trained on
 13 the execution of search warrants, the most recent time?
 14 A You keep asking me that question. Are you talking about
 15 just in general practice of me being at a unit? Because
 16 we have daily training. Or are you asking me required
 17 training through the department?
 18 Q Let's say required training.
 19 A I don't know when I had the required training.
 20 Q Okay.
 21 A All I know is I'm told to be at training, so I don't know
 22 if it was something that was set up by our bureau or if it
 23 was something mandated by the department.
 24 Q Okay. Well, when is the last time that you received any
 25 training on the execution of search warrants?

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7 (Pages 22 to 25)

Page 22

1 A At the narcotic and vice unit, it was required for me to
2 be at training once a month.
3 Q Okay. Once a month while you were at narco?
4 A Narcotics.
5 Q I'm sorry.
6 A And the vice unit.
7 Q Narcotics and vice unit. I'm sorry.
8 Okay. And when is the last time you have
9 received specific training, if any, required training on
10 the use of force?
11 A I don't know when the last time I received training on it
12 was. Like I said, at our district, it's once a month that
13 we have training, so I don't know when the last time was
14 that I was given the use of force.
15 Q Since you have been with the Northeast District, is the
16 use of force one of the subjects that you have received
17 training on in your monthly training?
18 A Yes, and paperwork.
19 Q And paperwork you said?
20 A Yes.
21 Q I have also heard someone else mention an annual
22 forty-hour block of training. Do you know, do you receive
23 a forty-hour block of annual training?
24 A Yes. Every year between December 3rd through December 6th
25 or 7th. I go every year.

Page 23

1 Q Okay. And where does that training occur?
2 A Our academy, Detroit Police Academy.
3 Q And is it your understanding that all Detroit police
4 officers -- I understand they don't take it all at the
5 same dates, but is it your understanding that all Detroit
6 police officers receive a forty-hour block of training
7 annually?
8 A Yes.
9 Q At those forty-hour annual blocks of training, are you
10 ever given any written materials?
11 A Yes.
12 Q Do you ever keep those materials?
13 A Some of it I do.
14 Q Okay. As you sit here today, do you know whether you have
15 any of those written materials that you have access to?
16 A From my last class or any of the classes?
17 Q Any of the classes.
18 A I probably do.
19 MS. JAMES: And just for the record, to the
20 extent that any of those materials are responsive to
21 requests that have been made in this case, we would ask
22 the defendants to review the records and supplement.
23 BY MS. JAMES:
24 Q I'm going to move on to focusing on your time while you
25 were at vice enforcement. Okay? Can you tell me, in your

Page 24

1 own words, what's your understanding of the mission of
2 vice enforcement? And what I mean by that is what does
3 this unit do that's different from other units?
4 A We work pretty much in a ninety-five percent undercover
5 capacity.
6 Q Anything else?
7 A We do liquor license. We go into the adult entertainment
8 establishment, check for licenses. We do undercover buys.
9 We deal with undercover minors, do prostitution,
10 undercover prostitution, go into blind pigs or after-hour
11 establishments undercover. Uniform capacity, we do the
12 execution of search warrants.
13 Q For the period of time that you were at vice enforcement,
14 who was your direct supervisor?
15 A During the time of me being there?
16 Q Yes.
17 A Lieutenant -- Well, she was a lieutenant. She's a
18 commander now, Debra Fair.
19 Q I'm sorry. What was her name?
20 A Debra, D-E-B-R-A, Fair.
21 Q Okay.
22 A Sergeant Charles Turner, Sergeant Daniel Buglo, and
23 Lieutenant Vicki Yost.
24 Q So is it fair to say, depending on who was on duty on any
25 given day, any one of these people might be your direct

Page 25

1 supervisor?
2 A Correct.
3 Q Did you have a partner while you were on vice enforcement?
4 A No.
5 Q And can you describe for me the difference between what
6 your role was as an officer versus the lieutenants and
7 sergeants that we just talked about? What's the
8 difference between your roles?
9 MR. ASHFORD: Objection, no foundation. Go
10 ahead and answer.
11 BY MS. JAMES:
12 Q If you know.
13 A They give the orders.
14 Q Okay. Fair enough. While you were in vice enforcement,
15 did you receive evaluations or reviews by your
16 supervisors?
17 A Yes.
18 Q Okay. And do you know, was that on an annual basis?
19 A We get one every year called a service rating.
20 Q A service rating. Okay. And do you know what the metrics
21 or the factors were that were considered in those
22 evaluations?
23 A I don't remember them all. It's a lot of them. A lot has
24 to do with appearance, communication skills, work ethics.
25 Those are the only three I can think of, but there's quite

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8 (Pages 26 to 29)

Page 26

1 a few on there.

2 Q To your knowledge, is any consideration given to the

3 number of arrests or tickets that an officer issues?

4 MR. ASHFORD: Objection as to form.

5 THE WITNESS: I have never seen that. I know

6 performance is one of them, but I don't know if it deals

7 with -- I think it's just all-around performance.

8 BY MS. JAMES:

9 Q Okay. How many times have you participated in a blind pig

10 raid roughly? Or give me a ballpark if you can.

11 A Over thirty.

12 Q Okay. And can you describe to me in your own words what

13 your understanding of the purpose of a blind pig raid is?

14 A What's the purpose?

15 Q Yeah.

16 A Or what is a blind pig?

17 Q No. What's the purpose of the raid? Why do you raid a

18 blind pig?

19 A Because some establishments don't have a license to

20 operate, and the after-hour factor, the time factor.

21 Q I apologize. I'm asking a slightly different question.

22 What I meant to ask was what are you seeking to accomplish

23 in the raid? Do you know what I mean?

24 A Well, it all depends on which type of operation we're

25 doing.

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1 Q Let's narrow our focus a little to blind pig raids where

2 the activity at issue is an establishment that's

3 unlicensed to sell liquor. Okay? Because I know that you

4 do other raids having to do with prostitution and things

5 like that, so we'll narrow it to unlicensed liquor sales.

6 Okay?

7 A Okay.

8 Q For that kind of blind pig raid, can you describe for me

9 what your understanding is? What is it that the team

10 seeks to accomplish in a raid under those circumstances?

11 A To ticket and arrest the engagers.

12 Q Okay. And what about -- Actually, let me back up, because

13 this is varied somewhat. When you use the term

14 "engagers," what do you mean by "engagers"?

15 A The engagers are the person -- the people in charge or the

16 workers.

17 Q And what about people who are not engagers but are

18 otherwise present; what usually happens with those people

19 on a blind pig raid?

20 A At an unlicensed?

21 Q Correct.

22 A Well, it all depends on what type of search warrant --

23 what type of location we're dealing with.

24 Q Okay. When you're executing a search warrant for a

25 location that does not have a liquor license, where the

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1 search warrant authorizes -- Strike that. We'll deal with

2 that later.

3 I'm going to hand you -- Actually, I'll take

4 this back. I'm sorry. I've just left it hanging there.

5 A That whole stack is for me?

6 Q Yes. We might skip some of them. We might skip some of

7 them.

8 I think you already have a copy of this item,

9 but I'll hand you what is being marked as Exhibit No. 3,

10 which, for the record, the top of the page says "Nuisance

11 Abatement Statute." About halfway down the front page it

12 says "Raid Execution/Blind Pig." It's a two-page document

13 -- or a one-page document printed on both sides of one

14 page.

15 (WHEREUPON, Deposition Exhibit 3

16 was marked for identification.)

17 BY MS. JAMES:

18 Q Have you seen this document before today?

19 A No.

20 Q Okay. But you did see this document before we began our

21 deposition; is that right?

22 A Yes.

23 Q Okay. Have you had an opportunity to review this

24 document?

25 A Yes.

Page 29

1 Q Okay. After having reviewed it, does this document more

2 or less reflect the Detroit Police Department policy

3 regarding blind pig raids?

4 MR. ASHFORD: Objection as to form. You can

5 answer.

6 THE WITNESS: You're asking me -- What are you

7 asking me?

8 BY MS. JAMES:

9 Q Let me rephrase it.

10 In your experience having participated in blind

11 pig raids, does this document basically reflect what you

12 have experienced as being a typical procedure for blind

13 pig raids?

14 MR. ASHFORD: Objection as to form.

15 THE WITNESS: I'll say as far as the nuisance

16 and abatement statute, yes. I have never -- The wording,

17 the procedure, and how we go about it, yes, but I have

18 never seen this outline before.

19 BY MS. JAMES:

20 Q And you don't know who drafted this document or where it

21 comes from; is that fair?

22 A That's fair.

23 Q Okay. Let's see. Have you ever participated in the

24 surveillance of a suspected blind pig location?

25 A As far as visual or going in? I have done both.

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9 (Pages 30 to 33)

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1 Q Let's start with when you say visual. Do you mean, you
2 know, sitting outside a location and watching the activity
3 outside?
4 A Yes.
5 Q Okay. So we'll start with that. How many times have you
6 surveilled a blind pig location from the outside that you
7 recall?
8 A I'll say more than five times.
9 Q And as far as going in, how many times have you surveilled
10 a blind pig location, going in undercover?
11 A I'll say, again, more than five times.
12 Q And in your experience having surveilled blind pig
13 locations, do you normally go to the same location more
14 than once?
15 A Yes.
16 Q How many times would you normally go in as an undercover
17 officer?
18 A Well, I'll try to get activity -- more than three
19 different dates of activity.
20 Q Have you ever been the OIC in charge of a blind pig raid?
21 A No.
22 Q And is that because OICs are normally sergeants or
23 lieutenants?
24 A Yes.
25 Q Have you ever been involved in a blind pig operation where

Page 31

1 the OIC has been a police officer and not a sergeant or
2 lieutenant?
3 A No.
4 Q Okay. In your experience in blind pig operations -- and
5 when I use the word "operation," I'm meaning the times
6 where you have been involved from beginning to end in some
7 aspect of the surveillance through the raid. In the times
8 where you have been involved in a blind pig operation, who
9 from the team that you work with typically makes the
10 decision regarding which civilians are going to be charged
11 with an offense?
12 MR. ASHFORD: Objection, no foundation.
13 Objection to form.
14 THE WITNESS: You said whose decision is it?
15 BY MS. JAMES:
16 Q Yes.
17 A I'm not sure what you mean.
18 Q When you have been involved in a blind pig operation, is
19 it usually left up to the discretion of any officer to
20 charge a civilian with a crime?
21 MR. ASHFORD: Objection as to form.
22 THE WITNESS: I don't know how to answer that.
23 BY MS. JAMES:
24 Q Okay. In your experience in blind pig operations, is it
25 usually the officer in charge who will make a decision at

Page 32

1 some point that civilians that you encounter are going to
2 be charged with a crime?
3 MR. ASHFORD: Objection as to form.
4 THE WITNESS: I kind of know where you're going
5 with it, but are you asking is it totally up to the
6 supervisor whether that person is going to be charged or
7 not?
8 BY MS. JAMES:
9 Q Yes.
10 A If they committed a crime or -- I'm not sure.
11 Q Okay. I'll back up a little.
12 In the blind pig operations that you have been
13 involved in, is it fair to say that at some point somebody
14 gets charged with a crime?
15 A I would say it would be fair to say, if you're inside of
16 that location, you're charged.
17 Q Okay. And how is that decision made?
18 A Because you're inside of the location of where the search
19 warrant is being executed.
20 Q But who makes that decision?
21 A It's in the nuisance and abatement.
22 Q But at some point an officer has to make a decision to
23 pull out a ticket pad and fill it out and issue it to
24 someone. I'm asking who makes that decision when it
25 actually happens?

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1 MR. ASHFORD: Objection as to form. Objection,
2 no foundation.
3 THE WITNESS: I'm just not clear on --
4 BY MS. JAMES:
5 Q Okay. Have you ever ticketed someone for a crime
6 following a blind pig raid?
7 A Yes.
8 Q In the instances when you have done that, has it been up
9 to your own discretion, or has it been upon the
10 instruction of someone else?
11 A For the individual that I made contact with?
12 Q Yeah.
13 A That's my decision.
14 Q All right. And so --
15 A But I would like to say my name is going to be on that
16 ticket because that's the person I had contact with, but
17 under the nuisance and abatement, under the -- by them
18 being in that location, they're going to be ticketed
19 anyway, but as far as my name going on their ticket,
20 that's the person that I had contact with.
21 Q So would it be fair to say that you wouldn't sign a ticket
22 for someone who you had no contact with whatsoever?
23 A No, it wouldn't be fair to say that.
24 Q Oh, I'm sorry. Okay. So there might be an instance where
25 you might sign a ticket where you did not have contact

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10 (Pages 34 to 37)

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1 with that person?

2 A Well, what do you mean by "contact"?

3 Q Personally observe them in any way.

4 A Observe them inside the location?

5 Q Yeah.

6 A No, I wouldn't issue a ticket if I didn't observe them in

7 the location.

8 Q Okay. In your experience in a blind pig raid, is there

9 ever a written raid plan?

10 A Yes.

11 Q Okay. And is there a written raid plan for every blind

12 pig raid or only sometimes?

13 A For every.

14 Q And what does that written raid plan look like?

15 A It's just drafted by the OIC.

16 Q But what's in it?

17 A Our standard operation, who is going to be in charge of

18 what area, who is going to do what, just pretty much what

19 our purpose is, what I'll be doing for that day.

20 Q And do you know where that record is filed?

21 A It's not a record. It's just a form that's completed,

22 done by the supervisor, and it's trashed at the end of the

23 day. It's not a recorded piece of paperwork. It's just

24 -- we have different people that work with us, so some of

25 the people may not know me, so it's just to show what's

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1 going to be our chain of events for that day and who are

2 the undercover officers.

3 Q But it's something that's written on a piece of paper,

4 right?

5 A It could be written, typed. It all depends on how the

6 supervisor --

7 Q But it ends up on a piece of paper?

8 A Yes.

9 Q But at the end of the operation, it's not filed anywhere?

10 It's trashed?

11 A Mm-hmm.

12 MR. ASHFORD: Is that a yes?

13 BY MS. JAMES:

14 Q For the record --

15 A Yeah, because I know I throw mine away.

16 Q Let's back up and make the record clear. So the piece of

17 paper that we were just talking about, at the end of the

18 operation, it's not filed; is that correct?

19 A Well, I'll say normally I don't get a piece of paper

20 because I work for the unit. I know who the officers are.

21 It's basically for the outsiders who come in that don't

22 know us, so they can know what the processing area is

23 going to be like for that day.

24 Q But there's something that's put on a piece of paper

25 somewhere?

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1 A Correct.

2 Q And at the end of the operation, it's thrown away?

3 A I can't answer that. I don't know if our supervisor files

4 it or not, but I have never been told that that's

5 something that had to be filed.

6 Q I see. Okay. Now let's focus on the events leading up to

7 the raid at the Contemporary Art Institute --

8 A Okay.

9 Q -- of Detroit. And just for the sake of brevity, from now

10 on I'm going to call it the CAID. Okay?

11 A Okay.

12 Q Can you tell me how the CAID first came to your attention,

13 if you recall?

14 A Lieutenant Yost.

15 Q Okay. And what did Lieutenant Yost tell you about the

16 CAID?

17 A That she was going to do surveillance on the location.

18 Q Do you know whether there were any complaints that were

19 made to the Detroit Police Department about the CAID?

20 A That I seen for myself? No.

21 Q Okay. Has anyone ever told you there were complaints made

22 about it?

23 A Just through Lieutenant Yost.

24 Q Okay. And she didn't happen to tell you whether she

25 received those complaints by phone or in writing, did she?

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1 A I'm not sure.

2 Q Okay. Were you personally involved in any of the

3 surveillance of the CAID? And that can include either

4 outside or in an undercover capacity.

5 A I know I didn't do anything on the inside, but I'm not

6 sure if I did surveillance on the outside or not.

7 (Discussion off the record.)

8 BY MS. JAMES:

9 Q I'm going to hand you -- Are we up to No. 4? I'm going to

10 hand you what we're marking as Exhibit No. 4.

11 (WHEREUPON, Deposition Exhibit 4

12 was marked for identification.)

13 BY MS. JAMES:

14 Q Once you have a chance to look at this document, can you

15 just tell me what it is?

16 A It is a Detroit Police Department Activity Log.

17 Q Okay. Now, I would like to direct your attention to --

18 Oh, and just for the record, on the front page where it

19 lists -- Oh, actually, I wanted to hand you a different

20 activity log first. No. Let's put that on hold. I'm

21 sorry. I jumped the gun on that one.

22 If you had participated in any of the exterior

23 surveillance of the CAID, would that be documented

24 anywhere?

25 A Yes.

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11 (Pages 38 to 41)

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1 Q And where would it be documented?
 2 A It would be on the activity log form.
 3 Q Okay. Who was the officer in charge of the raid on the
 4 CAID, if you recall?
 5 A Lieutenant Vicki Yost.
 6 Q And I have heard two different terms before. Was she also
 7 the raid commander?
 8 A Yes.
 9 Q Okay. Who was the deputy raid commander, if you recall?
 10 A What is that?
 11 Q Oh, okay. Have you ever heard the term "deputy raid
 12 commander" before?
 13 A Yes, but not on that day.
 14 Q Oh, okay.
 15 A You're asking who was second in charge?
 16 Q Yeah. Who was second in charge?
 17 A We had two supervisors on that day.
 18 Q Okay.
 19 A So it was both of our supervisors.
 20 Q And they are?
 21 A Sergeant Daniel Buglo.
 22 Q Okay.
 23 A And Sergeant Charles Turner.
 24 Q Okay. And just so I have a better understanding of this
 25 terminology -- I apologize -- is the term "deputy raid

1 of duties for that day.
 2 Q And were you verbally given those assignments, or were
 3 there any written instructions given to you?
 4 A Yes, verbal.
 5 Q So if you wanted to refresh your memory about this
 6 particular raid, are there any records that you could look
 7 at to learn what other people were assigned to, or was it
 8 all done verbally to your knowledge?
 9 MR. ASHFORD: Objection, calls for speculation.
 10 THE WITNESS: Well, I would say each raid can
 11 start out -- I could be assigned to one thing, but however
 12 the raid presents itself, I'll be moved to do something
 13 else or I'll take -- I mean, I don't have a set thing that
 14 I do. I do the paperwork, so I normally will do the
 15 paperwork but --
 16 BY MS. JAMES:
 17 Q And what kind of paperwork do you do?
 18 A Paper processing, whatever paperwork is needed to be done
 19 at the location.
 20 Q The ticket processing?
 21 A Ticket processing, paperwork filled out.
 22 Q What paperwork is filled out in addition to tickets?
 23 A The nuisance and abatement form, forfeiture form.
 24 Q Any other paperwork that you can think of?
 25 A Whatever paperwork is there. It could be evidence tags,

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1 commander" just reserved for certain types of operations?
 2 A No. It's for our operation, but we use -- I don't use
 3 deputy. We just use second in charge. If anything was to
 4 happen to Lieutenant Yost, then Sergeant Turner and
 5 Sergeant Charles -- Sergeant Buglo would be second in
 6 command. I use second in command.
 7 Q I see. All right. I'm going to actually have you look at
 8 this document again, the one that has "Nuisance Abatement
 9 Statute" across the top, but I'm going to have you flip to
 10 the second part, the second page, and there's a list
 11 numbered one through nine, and the description above
 12 refers to them as personnel tasks. Does this list of nine
 13 tasks look familiar to you?
 14 A No.
 15 Q Okay. For the CAID raid, do you recall whether there were
 16 any -- How do I say this? In terms of vice squad
 17 participation in the CAID raid, what do you recall vice
 18 squad members -- what were their assignments in this raid?
 19 What were they to do?
 20 A I don't know.
 21 Q What were you assigned to do?
 22 A First, I was assigned to outside security until the
 23 location was breached. Once it was breached, I was
 24 assigned to entry. After entry, processing of the
 25 prisoners, and then I was put on paperwork, so I had a lot

1 anything.
 2 Q Okay.
 3 A Forfeiture money.
 4 Q Are there any documents that you recall -- Strike that.
 5 Were you present at the briefing before this
 6 raid?
 7 A Yes.
 8 Q Okay. And where did that occur, if you recall?
 9 A I'm not sure on that date where we briefed. We have about
 10 four locations that we go to.
 11 Q Okay. Do you recall whether there was a person who kind
 12 of ran the briefing or was in charge of the briefing?
 13 A Well, I will say that our briefing, we have two different
 14 briefings.
 15 Q Okay.
 16 A So whenever we are in charge of executing a warrant, we're
 17 briefed first, and that was through Lieutenant Yost.
 18 Q When you say "we," do you mean vice enforcement?
 19 A Vice enforcement, yes.
 20 Q So do you remember, for this particular raid, do you
 21 remember the vice enforcement briefing?
 22 A Yes. That was at our base.
 23 Q And do you recall whether someone ran that briefing?
 24 A Yes. Lieutenant Yost.
 25 Q And what do you recall about the vice enforcement

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12 (Pages 42 to 45)

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1 briefing?

2 A The location we're going to, the search warrant was

3 presented to us.

4 Q When you say "presented," do you mean read, or were you

5 given a copy?

6 A The copy -- the original search warrant with the seal is

7 shown to us so that we know that we have a proper search

8 warrant.

9 Q Okay. And are you required to read it at that briefing?

10 A Yes.

11 Q And do you recall what this particular search warrant

12 authorized the search of?

13 A I can't remember offhand, no.

14 Q Anything else about the vice enforcement briefing that you

15 recall?

16 MR. ASHFORD: Objection to form.

17 THE WITNESS: No.

18 BY MS. JAMES:

19 Q Okay. And what about the second briefing? Who was

20 involved in the second briefing?

21 MR. ASHFORD: Objection, no foundation.

22 THE WITNESS: I don't know who all was involved

23 because we had so many people with us. But wherever we

24 met up at, that's where the same process is done, but the

25 information is given to all the other additional people

1 A I don't know.

2 Q At either one of those briefings, do you recall anyone

3 giving any information that at this raid officers should

4 expect weapons or other specific dangers?

5 A If it's in the search warrant. It would be in the search

6 warrant.

7 Q Do you recall whether that was in this search warrant?

8 A I wouldn't say in this -- I don't remember it being in the

9 search warrant, but whenever I do a raid, I'm expecting

10 for that to be there.

11 Q I'm asking something a little differently. I'm asking

12 whether or not there was anything presented to you where

13 officers stated that their pre-raid surveillance

14 specifically indicated that there would be weapons

15 present.

16 A If it's in the search warrant.

17 Q I'm asking if you remember whether or not that was

18 something that came up for this raid.

19 A No, I don't remember.

20 Q Okay. At either one of those briefings, was there any

21 discussion about what charges officers should anticipate

22 issuing tickets for after the raid?

23 MR. ASHFORD: Objection as to form.

24 THE WITNESS: I'm not sure. I mean, we know

25 that they're going to receive a loitering ticket, and the

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Page 45

1 that will be assisting us.

2 BY MS. JAMES:

3 Q Do you remember what other units were involved, any of

4 them?

5 A No.

6 Q Do you remember approximately how many officers were at

7 that briefing?

8 A No.

9 Q Was it more than twenty?

10 A Yeah. Yes.

11 Q Could it have been more than thirty?

12 A I'm not sure. I know it was more than twenty.

13 Q Okay. Was there a written raid plan for this particular

14 raid?

15 A I don't know.

16 Q At either one of these briefings, did anyone present a map

17 of the area that you would be going to?

18 A I don't know about the area, but inside of the location

19 was presented.

20 Q And how was that presented to you? In pictures or some

21 other way?

22 A No. Just a drawn-out format of the location, layout of

23 the location.

24 Q Was that drawn on paper or like up on a chalkboard or some

25 other way?

1 engagers are going to receive an operating ticket.

2 BY MS. JAMES:

3 Q When you say you know that's going to be the case, is that

4 just understood, or is that something that's specifically

5 discussed at the briefing?

6 MR. ASHFORD: Objection as to form.

7 THE WITNESS: That is what we issue. If you're

8 an engager, we issue you a ticket for operating, and if

9 you are inside of the location, you're issued a ticket for

10 loitering and any additional charges that comes along with

11 each individual circumstance.

12 BY MS. JAMES:

13 Q Okay. I'm asking a more specific question. Do you recall

14 whether, at either one of these briefings, there was any

15 specific discussion about ticketing people for loitering

16 in a place of illegal occupation?

17 A I understood going in that those were the tickets that's

18 -- that's the type of tickets that would be issued at the

19 location.

20 Q And was it your understanding that anyone who was present

21 inside the building would get ticketed either as an

22 engager or a loiterer?

23 MR. ASHFORD: Objection as to form.

24 THE WITNESS: I understood going in that if

25 there are engagers and if there are loiterers inside, that

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13 (Pages 46 to 49)

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1 those are the tickets that would be issued to them.
 2 BY MS. JAMES:
 3 Q Okay. And as you understand it, is anyone inside the
 4 building who is not an engager, are they, sort of by
 5 default, a loiterer?
 6 A Only if surveillance was -- if we had an undercover in
 7 there at the time of the warrant being issued.
 8 Q Okay. For this particular raid, was it your understanding
 9 that because there were undercover officers inside, that
 10 any civilian who was inside was going to be ticketed
 11 either as an engager or a loiterer?
 12 A Yes.
 13 Q Okay. So let's talk about the raid itself. I believe you
 14 testified a few minutes ago that your initial assignment
 15 was to outside security; is that right?
 16 A Yes.
 17 Q Can you describe just briefly what outside security means?
 18 What do you do?
 19 A Meaning to secure the dwelling to make sure that no one
 20 exits from the location.
 21 Q Okay. If someone tried to exit the location, what would
 22 you do?
 23 A They would be detained.
 24 Q Okay. In this case, do you recall anyone trying to exit
 25 the building while you were on outside security?

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1 A In the position that I was in, no.
 2 Q What position were you in; do you remember?
 3 A Right by the front door.
 4 Q Okay. Do you recall any of the other officers who were
 5 located near you at that time?
 6 A I was right behind the entry team.
 7 Q Oh, okay. Who was the entry team? And when I say "who,"
 8 I mean what unit?
 9 A I'm not sure who breached our door for us, but it would be
 10 either our SWAT team or one of our narcotic crews.
 11 Q Is SWAT the same thing as SRT?
 12 A Yes.
 13 Q But as to this particular raid, you can't recall if it was
 14 SWAT or narcotics?
 15 A Or one of the narcotics crews.
 16 Q If you wanted to find out whether it was a SWAT team or a
 17 narcotics crew, how would you do that?
 18 A I'm not sure.
 19 Q And what's your understanding of the reason that you would
 20 detain a person who tried to exit?
 21 A Because they were inside of the location.
 22 Q Okay. So is it fair that I interpret that as meaning they
 23 should be ticketed? They can't leave until they're
 24 ticketed?
 25 A No. They were inside of the premises, so everyone that

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1 was inside of the premises will be detained.
 2 Q Detained for what purpose?
 3 A Our investigation, to see what their purpose was for being
 4 at the location.
 5 Q So once you -- I'm sorry. I'm trying to understand what
 6 you said. Did you say you would determine what the
 7 person's purpose was for being there?
 8 A Yes.
 9 Q Okay. And once you determine their purpose for being
 10 there, then what happens?
 11 A They're ticketed and released.
 12 Q All right. And when you say that you determine their
 13 purpose, how is that done? Do you ask them questions
 14 about, "Why were you here, and what were you doing?"
 15 A I just ask them were they inside of the location.
 16 Q Okay.
 17 A Mm-hmm.
 18 Q And as long as they were there, they get ticketed?
 19 A Yes.
 20 Q How long were you doing outside security roughly, if you
 21 recall?
 22 A Probably less than sixty seconds.
 23 Q Oh, okay. And then what did you do next?
 24 A Once the door is breached, I enter in after the entry
 25 team.

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1 Q Okay. And when you say that, did you go in sort of
 2 immediately on their tail, or do you wait to get an all
 3 clear signal?
 4 A Immediately.
 5 Q And so as soon as you entered the building, do you recall
 6 where inside the building you went?
 7 A No, I don't remember the layout of the building.
 8 Q Okay. What do you remember about when you entered?
 9 A Into the building?
 10 Q Mm-hmm.
 11 A Where everyone is detained.
 12 Q I'm sorry. I asking something more specific. Just in
 13 those first few moments when you entered, what do you
 14 remember seeing or hearing just in those first few
 15 moments?
 16 A "Police, search warrant." We breached the door. Whoever
 17 I come in contact with, they're ordered to the floor and
 18 detained.
 19 Q And can you tell me in your own words what you remember
 20 you or other officers were saying?
 21 A Every officer that's entering says, "Police, search
 22 warrant."
 23 Q And, "Get down on the floor," or something like that?
 24 A I won't say -- If you have contact with someone, yes, then
 25 I'm ordering you to the floor.

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14 (Pages 50 to 53)

Page 50

1 Q So is everyone ordered to the floor or only some -- I
2 guess I don't know what you mean by "have contact."
3 A Depends on the area we're in. If there are tables,
4 chairs, for our safety factor, we're ordering everyone
5 down to the floor.
6 Q So everyone is ordered down to the floor?
7 A I wouldn't say everyone. It depends on the layout. Some
8 people we have to detain up against the wall.
9 Q I see. So depending on the layout of a particular area,
10 people are either ordered to the floor or asked to put
11 their hands up?
12 A Yes.
13 Q Something like this. Okay.
14 How were you dressed for that raid; do you
15 recall?
16 A Raid gear.
17 Q And can you describe raid gear for me?
18 A Black BDUs -- I'm sorry -- blue, dark blue BDUs.
19 Q Just for the record, can you say what BDUs means?
20 A It's just a wording we use for the pants, but it's a
21 department-issued narcotic raid pants.
22 Q Are they like cargo pants?
23 A Yeah, more like cargo, yeah.
24 Q I'm sorry. Continue.
25 A I have to ask that question, too. I have to find out what

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1 BDU stands for. We just call them BDUs.
2 Q Okay. And what else?
3 A The top that's issued that has "Detroit Police" on the
4 front and the back.
5 Q Okay.
6 A I had on my raid vest. It's a different type of vest that
7 we wear for search warrants.
8 Q And what does that look like?
9 A Have you ever seen the SWAT team vest? It's not your
10 normal -- Well, my police vest, it's just a small -- not
11 -- a vest you can't see.
12 Q Okay.
13 A But my narcotic vest is heavy. It's a big army-style vest
14 that we wear that has "Police" on the front and back.
15 Q Okay. And that goes over whatever top you're wearing?
16 A Yes.
17 Q Okay. What about your face? Do you have a mask or a
18 bandanna, anything like that?
19 A Yes, I wear a mask.
20 Q And what kind of mask is it? Like a ski mask?
21 A Like a ski mask. It just shows my eyes.
22 Q And what's the purpose of that?
23 A I do a lot of undercover work, so I don't want to be
24 observed. I don't want to be noticed.
25 Q Do you, on that particular night, do you recall whether

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1 you had a badge number or name tag that was visible?
2 A Yes. I wear my badge with my chain.
3 Q And that would be over your vest?
4 A The way our vest is made, it's an opening to where once
5 we're inside the location, once I make contact with you,
6 my badge is pulled out.
7 Q Okay. And when you say "make contact," I'm not sure what
8 you mean. Do you mean physical contact with someone or
9 something else?
10 A I will say more physical, because I wear mine on a chain.
11 A lot of officers have theirs on their belt. A lot of
12 officers wear theirs different ways. Me, I have mine on a
13 chain, so once I enter into the location, I don't wear it
14 on the outside because of the movement.
15 Q On that particular evening, do you remember making contact
16 with anyone in particular inside the building?
17 A I probably made contact with -- It was a lot of people.
18 Q Okay. And when you say you made contact with them, I'm
19 still not sure what you mean by that.
20 A I'm your last stage of the day. Once we detain everyone,
21 the place is secured, everyone is secured, then that's
22 when we will set up our processing table, and I'm the
23 person that you would have to come to to get your forms
24 and everything filled out.
25 Q So meaning you interact with them in some way?

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1 A Yes, I interact with them.
2 Q What kind of equipment did you have with you? Did you
3 have a flashlight? Weapons? What kind of equipment did
4 you have?
5 A My equipment that I wear every day, my PR -- Well, I
6 didn't have a PR-24 at that time. That was in narcotics.
7 Handcuffs, pepper spray, my duty flashlight. I wear a
8 wrap-around holster, leg holster, and my department
9 weapon.
10 Q At that particular raid, do you recall ever having to
11 remove your weapon from your holster?
12 A Only on entrance.
13 Q Okay. Can you describe for me, how did you hold your
14 weapon on entrance?
15 A We have our weapons in a ready position.
16 Q I've heard others describe that as a low ready --
17 A Low ready.
18 Q -- where you are sort of pointing it toward the ground.
19 A We're not acquiring a target.
20 Q Did you ever have to acquire a target --
21 A No.
22 Q -- at that raid?
23 A No.
24 Q How soon after you walked in the door did you return your
25 weapon to your holster, if you recall?

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15 (Pages 54 to 57)

Page 54

1 A I don't know. It's a pretty big building, so once the
2 location is deemed clear by the officer in charge of the
3 entry unit, then that's when I secure my weapon in my
4 holster.
5 Q And based on your memory of this raid, was that within a
6 few minutes or a longer period of time?
7 A I'll say more than three minutes.
8 Q Okay. Do you recall at this particular raid whether you
9 took out and used your flashlight?
10 A Only if I'm in an area if I had to use it, so I don't
11 know.
12 Q Okay. So to your memory, the inside of the building
13 wasn't so dark that you had to enter with your flashlight?
14 A I don't know.
15 Q You don't recall?
16 A Oh, you're asking once I entered?
17 Q Yeah.
18 A Yes, whenever I enter in, I always have my flashlight.
19 Mm-hmm.
20 Q Okay. So just so I understand, when you first enter, you
21 have your weapon at a low ready and your flashlight out?
22 A Yes. I carry my flashlight on top of my weapon.
23 Q Oh, is there something that allows you to clip it to your
24 weapon?
25 A You can, but I don't.

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1 Q Okay. So you use both hands to --
2 A Yes. It's a certain position. Yeah.
3 Q Okay. And I'm sorry if you already answered this, but
4 once you holstered your weapon after the first few
5 minutes, did you ever have an occasion to take it back out
6 again?
7 A No.
8 Q Based on what you personally observed, do you recall
9 seeing any officers having to physically handle any
10 patrons, you know, like helping them get to the ground or
11 things like that?
12 A I didn't observe, no.
13 Q Did you observe any officers kicking or stepping on any
14 patrons?
15 A No.
16 Q Did you observe any officers pushing any patrons?
17 A No.
18 Q Okay. Did you personally, based on your memory of course,
19 do you recall whether you personally searched anybody at
20 this location?
21 A I did a pat-down on a lot of people.
22 Q Okay. And can you describe the pat-down for me?
23 A Just a basic around the waist area and the outer -- more
24 the outer garment area.
25 Q Based on your memory, do you recall ever reaching into

Page 56

1 anybody's pockets and emptying their pockets?
2 A Once the location is secured, everybody has been patted
3 down, and they have been sectioned off, yes.
4 Q So after the location is secure and people have been
5 sectioned off, then their pockets are emptied?
6 A I wouldn't say their pockets are emptied. We have to get
7 their ID, and if they had a vehicle, we have to get their
8 keys to their vehicles.
9 Q Okay. So, in that process, based on your experience, do
10 you recall asking people to give you those items, or did
11 you take those items out of people's pockets?
12 A I asked for their items.
13 Q Okay.
14 A But the females and certain males, we don't let them
15 search their own purse. So if they had a purse, I will
16 search their purse. If they had a wallet, then we will go
17 in their pocket and get their wallets.
18 Q So anyone who has a wallet that you feel, you take the
19 wallet out of their pocket for them?
20 A Yes.
21 Q Are there any other circumstances that you can recall
22 where you reached in someone's pocket and took things out
23 other than a wallet?
24 A There could be circumstances after we advise them. You
25 get their permission. You let them know we're getting

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1 their ID. "Is it okay to get your ID?" Yes.
2 Q Okay.
3 A So there are occasions that I will go in their pockets.
4 Mm-hmm.
5 Q Are there any occasions where you would not ask for
6 someone's permission, but you would reach in their
7 pockets?
8 A If they have been handcuffed and they're already in that
9 area to where they are being arrested, because we have
10 certain ones that are going to the precinct.
11 Q Do you recall at that particular raid whether there was
12 anyone who was handcuffed?
13 A At the raid?
14 Q Yeah.
15 A I can't say offhand, but there probably was someone
16 handcuffed.
17 Q But you don't remember specifically from this raid?
18 A No.
19 Q But it's not uncommon for some people to be handcuffed; is
20 that fair?
21 A For some people to be, yes.
22 Q And on the occasions where you have noticed people who
23 were handcuffed, what's your understanding of why those
24 people are handcuffed?
25 A Those are the ones that are going into the district, that

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16 (Pages 58 to 61)

Page 58

1 are going to be conveyed to our district.
 2 Q And what does that mean? Does that mean they have
 3 committed some other offense?
 4 A Weapons, narcotics.
 5 Q At this particular raid, do you recall anyone refusing to
 6 hand over their ID or their keys?
 7 A No.
 8 Q Okay. Based on your understanding, would someone be
 9 allowed to refuse to give their ID or their keys?
 10 A I'm pretty sure they're allowed to, but I haven't
 11 encountered anyone that had refused to give me keys.
 12 Q And I understand that this is a hypothetical since you
 13 just said this hasn't happened to you, but if someone did
 14 refuse to give you their ID or their keys, what would you
 15 do?
 16 A You're saying refused to give their ID?
 17 Q Mm-hmm. Yeah.
 18 A Then they'll be taken into the precinct for us to get
 19 their correct information for processing.
 20 Q Okay. And having people empty their pockets, this is part
 21 of the standard procedure for these types of raids as you
 22 understand it?
 23 A It's a safety precaution, because they're not handcuffed,
 24 and the people are coming to the table to have contact, so
 25 the officers need to make sure that they don't have

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1 A I can't say how long. I know it was more than thirty
 2 minutes.
 3 Q Okay. Now, as I understand it, the processing took a
 4 period of time; is that fair?
 5 A Yes.
 6 Q So for some of the patrons who were processed later, would
 7 it be accurate to say that some people were there for
 8 hours?
 9 A No.
 10 Q No?
 11 A No.
 12 Q Okay. As you recall, what's the longest period of time
 13 that you recall a patron was detained inside the building?
 14 A I'll say not more than an hour, because you have the
 15 patrons who -- some wanted to wait around because they
 16 came with someone, because we had certain patrons that
 17 didn't have a vehicle.
 18 Q Okay.
 19 A So they were issued their ticket and allowed to be
 20 released. Normally we'll try to get the ones out that
 21 doesn't have a vehicle, get them out, get them out of the
 22 way.
 23 Q Okay.
 24 A And then we deal with the paperwork with the ones that had
 25 a vehicle.

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1 anything on them that can hurt or injure me or the
 2 officers that they're making contact with.
 3 Q So that's why it's typically done that way?
 4 A Yes.
 5 Q Do you recall how long you were at the CAID that night?
 6 A We were there for quite a while.
 7 Q Can you be any more specific than that?
 8 A I'll say it was probably over two hours.
 9 Q Okay. By the time you left the location, had all of the
 10 patrons been removed from the building itself?
 11 A Yes. Let me take that back.
 12 Q Okay.
 13 A I'll say yes. I think it was -- the actual person who was
 14 -- he was gone with us, but it was no one left in the
 15 location when we all left the location.
 16 Q Are you referring to one of the operators?
 17 A Yeah. Because we talked to him -- not me, but our
 18 lieutenant talked to him for a while, so I remember him
 19 still being there at the end.
 20 Q But all the people who were just -- who were not operators
 21 or engagers, they were all out of the building by this
 22 time?
 23 A Yes.
 24 Q Do you recall approximately how long the patrons were
 25 detained inside the building of the CAID?

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1 Q Okay.
 2 A So it's not more than an hour for the patrons.
 3 Q Okay. So for the ones that had a vehicle, how long would
 4 you say they were detained before they were released, if
 5 you can recall?
 6 A Well, at this location, we had a hundred and some -- more
 7 than a hundred. I think it was over a hundred people
 8 there, so I'll say no less than thirty minutes, no more
 9 than an hour.
 10 Q So it's your testimony that based on your memory, you
 11 believe more than a hundred people were processed within
 12 about a half an hour?
 13 A No. I didn't say processed.
 14 Q Okay.
 15 A I'm saying that if you have a vehicle, you have to have
 16 paperwork that we have to give you, and we have to receive
 17 that information from you. But if you didn't have a
 18 vehicle, then you're immediately out of there.
 19 Q Okay.
 20 A So we're able to get your information, write your ticket,
 21 and move you on your way. But if you have a vehicle, we
 22 have to give you a nuisance abatement form to advise you
 23 that your vehicle is being forfeited and what's the proper
 24 paperwork, and we have to have them sign that paperwork.
 25 So they will be held in there longer than a person who is

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17 (Pages 62 to 65)

Page 62

1 just receiving a ticket.

2 Q Okay. So for the people who had a vehicle who it took a

3 little bit longer, about how long was that process as you

4 recall?

5 A It was a lot of people in there with vehicles, but I'll

6 say no more than an hour for them because we had quite a

7 few people at the processing table.

8 Q And when you say no more than an hour, do you mean an hour

9 from the time of entry or an hour from the time where

10 processing began?

11 A An hour from the time of processing beginning.

12 Q I see. Okay. All right.

13 For the period where patrons were detained and

14 waiting to receive their ticket, were they allowed to

15 leave at all, leave the building at all during that time?

16 A Not without paperwork.

17 Q Were they free to move around inside the building?

18 A Not on their own will. If they had to use the bathroom,

19 then an officer will assist them. They were allowed to

20 use their phone at the location, not at free will, but if

21 they needed to call a ride, call their parents or

22 anything, we did allow them to use their phone.

23 Q Okay. And based on your memory, while a person was

24 waiting to receive their ticket or paperwork, were they

25 sitting, kneeling, standing, or any of the above?

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1 A It all depends on the -- most of them -- Well, I'll say

2 that location, most of them were sitting on the floor

3 because it was a bit like an art gallery type place. But

4 it depends on what officer was in charge of what section

5 that they're in, if they felt comfortable with them

6 standing, sitting. It's up to the officer.

7 Q Is it fair to say that it was up to an officer's

8 discretion to instruct the people in his area or her area

9 to sit or kneel or stand at that own officer's discretion?

10 Is that my understanding?

11 A Yeah. But our rule of thumb is no one is able to just get

12 up and move about, because you have a lot of officers that

13 have their weapons on them, have their backs turned to

14 people, so we just don't allow you to just get up and just

15 move around.

16 Q Were you ever in a position that night where you were in

17 charge of a section of people that you were monitoring?

18 A I wouldn't say in charge of a section of people, but I

19 dealt with the females more, more or less.

20 Q When you say you dealt with the females, what did you deal

21 with that you recall?

22 A I try to deal with the females so there will be no

23 accusation of sexual harassment from the females, so we

24 try to make sure that a female deals with another female.

25 Q So you mean female officers should pat down female

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1 patrons?

2 A Correct.

3 Q And things like this?

4 A Yes.

5 Q All right. And in your experience in blind pig raids, was

6 this raid conducted more or less similarly to most of the

7 raids you have been involved in?

8 A Yes.

9 MR. ASHFORD: Objection as to form.

10 THE WITNESS: I'm sorry. Yes.

11 BY MS. JAMES:

12 Q All right. Now, I did have an activity log that I pulled

13 out prematurely a while back. I'd like to get to that.

14 This is the activity log from May 30th, 2008, and up at

15 the top --

16 MR. KOROBKIN: Excuse me. It's Exhibit 4.

17 BY MS. JAMES:

18 Q I'm sorry. It is already marked as Exhibit 4. And up

19 toward the top there's a list of officers' names on line

20 two. Is this a reference to you, S. Johnson?

21 A Yes.

22 Q And it's hard to tell where one signature ends and another

23 begins, but do you see your signature anywhere in that

24 vicinity?

25 A Yes, I do. It's on top of my name.

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1 Q All right. And just for the record, do you recall whether

2 or not you were the one who prepared this particular

3 activity log?

4 A No.

5 Q Do you know who did prepare it?

6 A Usually it would be Officer Smith or Sergeant Buglo.

7 Q So for this particular log, can you tell whether it was

8 prepared by Smith or Buglo?

9 A No.

10 Q But you think it was one of those two?

11 A Usually they're the fastest typers, so that's usually

12 their processing duties.

13 Q Okay. And what's the procedure -- I guess let me back up.

14 Is there a particular reason why there's an

15 activity log for eight people as opposed to each person

16 doing their own log?

17 A Yes.

18 Q Okay. What's your understanding of that?

19 A At a bureau, officers, we all go on the same activity log.

20 Only if we're doing something different for that day

21 without all the officers, then we would do a separate one.

22 Q Okay. So if you split up and do different assignments,

23 then you would have more than one activity log?

24 A Yes.

25 Q And what's the procedure -- You know, I see that there are

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18 (Pages 66 to 69)

Page 66

1 a number of signatures here. Are you asked to read the
 2 entire thing and sign it once you have read the whole
 3 document?
 4 A To review it, yes.
 5 Q And has there ever been an instance where someone else on
 6 your crew has created an activity log that you asked them
 7 to -- you know, there was something missing that you
 8 wanted them to add before you would sign off on it or
 9 something like that?
 10 MR. ASHFORD: I'm going to object to that as to
 11 form, not reasonably calculated to lead to admissible
 12 evidence.
 13 THE WITNESS: I can't think of any.
 14 BY MS. JAMES:
 15 Q I guess the question I'm really asking is, you know, if
 16 someone else is making this record, do you have an
 17 opportunity to, you know, make a correction if one is
 18 needed?
 19 A I can't go in and me physically make a correction. I can
 20 have them add or subtract from it if there's something in
 21 there that's not correct.
 22 Q Okay. If you would just flip to the back for a moment,
 23 the notation -- Well, hold on. Let me take a quick look
 24 hear.
 25 The notation on the back page for 5:45 a.m., as

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1 you see that notation where it says "Base 22 processing
 2 prisoners, property and paperwork," what does that mean?
 3 A It means our end-of-the-day duties that we're responsible
 4 for.
 5 Q Okay. So does this time, 5:45, have any relation to when
 6 the operation at the location of the CAID concluded?
 7 A No.
 8 Q Okay. Is there a way, based on this document, to
 9 determine when you left the location at the CAID?
 10 A No.
 11 Q So is it fair to say that on the first page, the notation
 12 "2:20 a.m., 5141 Rosa Parks," would that be the time you
 13 arrived at the CAID?
 14 A No. That would be the time that the door was breached.
 15 Q I see. Okay. All right.
 16 So based on this document, is it fair to say we
 17 have a record of the time that the door was breached but
 18 no record of what happens between 2:20 and 5:45?
 19 MR. ASHFORD: Objection, asked and answered.
 20 Objection as to form, no foundation.
 21 THE WITNESS: There's no record to show what
 22 time we left.
 23 BY MS. JAMES:
 24 Q During the time that you were on vice enforcement, would
 25 it ever be your responsibility to fill out the activity

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1 log?
 2 A Yes.
 3 Q Okay. And so you have some understanding of the
 4 information that's in the middle of the front page that's
 5 titled "Recap of Activity"?
 6 A Yes.
 7 Q Okay. And what's your understanding of what notations, if
 8 any, should be made in this portion of the log?
 9 A That's up to the individual officer.
 10 Q Okay. And when would you fill out a notation in this
 11 section?
 12 A Of what section?
 13 Q The "Recap of Activity" section.
 14 A You said when?
 15 Q Yeah. Under what circumstances would you fill out this
 16 portion? You said it was up to the discretion of the
 17 officer.
 18 A Mm-hmm.
 19 Q So I'm asking when would you use your discretion to make a
 20 notation in the "Recap of Activities" section?
 21 MR. ASHFORD: I'll object to form.
 22 THE WITNESS: I'm not clear what you're asking
 23 me.
 24 BY MS. JAMES:
 25 Q Some of these columns have a number in it, and some of

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1 them don't.
 2 A Yes.
 3 Q Right?
 4 A Mm-hmm.
 5 Q Okay. So, for example, next to "Autos Impounded," it says
 6 44; is that right?
 7 A Yes.
 8 Q Okay.
 9 A I understand what you're saying. If it was just me and my
 10 regular partner, then I would be able to tell you how many
 11 females we investigated for that day.
 12 Q Okay.
 13 A But because you have so many officers, you can't put how
 14 many females were investigated by each individual officer.
 15 So the way that you see the sheet is we're just showing
 16 you that 44 cars was impounded, up in the other corner how
 17 many tickets was issued, and how many write-ups we had to
 18 do for that day.
 19 Q Oh, I see. Under "Ticket Recap," that's what you were
 20 referring to about how many tickets were issued?
 21 A Yes.
 22 Q I see. Okay. And what is your understanding of the
 23 purpose of filling out the "Recap of Activity" section?
 24 Are these figures kept or tallied in any way?
 25 A I know it just shows, what my understanding is, a

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19 (Pages 70 to 73)

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1 procedure. Like whatever my activity was that day, it is
 2 written down and noted, so it's turned in every day to our
 3 supervisors. It shows my activity for the day.
 4 Q And is part of that to -- is one of the purposes so that
 5 you have a record to refresh your memory when asked about
 6 what you did on a previous day?
 7 A Yes, that's one.
 8 Q So if you needed to testify in court regarding any of the
 9 tickets that you issued on that particular night, May
 10 31st, 2008, what document would you use to refresh your
 11 recollection about what you observed that night?
 12 A A copy of my tickets.
 13 Q I see. And how do you obtain a copy of your ticket?
 14 A I make copies of mine or our -- of the green ticket, I
 15 make copies of them.
 16 Q What's the green ticket?
 17 A It's a misdemeanor or --
 18 Q Okay. So when you say you make a copy, do you make a
 19 photocopy?
 20 A That's mine. That's what I do. As far as the ticket, it
 21 has a section in the middle where an officer can put their
 22 notes --
 23 Q Okay.
 24 A -- to help them remember what case if they choose to put
 25 that in there.

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1 Q Okay. As I understand it, when you write out a ticket,
 2 there are some times, depending on what form you use, some
 3 of the forms have a carbon copy; is that correct?
 4 A Yes.
 5 Q So for the tickets that were issued that night, do you
 6 recall whether those tickets were issued on a form that
 7 would have a carbon copy?
 8 A No. The carbon copy is given to the defendant, to the
 9 person arrested.
 10 Q Right. So there's an original and a carbon copy; is that
 11 right?
 12 A You have the face of a ticket, and then you have the back
 13 of the ticket which has the same information.
 14 Q Okay.
 15 A But that is forwarded to the court section. On the green
 16 ticket, our officer has no paperwork that we can pull out
 17 and keep for ourself. We have a little note section
 18 inside of the ticket to where we can write information in
 19 there if we want to remember the case.
 20 Q Okay. I'm sorry. I'm a little bit confused. I
 21 apologize.
 22 A That's okay. On the type of tickets that was issued
 23 today, it's three. You have the face of the ticket, and
 24 it has carbon paper in the middle that transfers the
 25 information onto the defendant copy.

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1 Q Okay.
 2 A And then the back copy. But those are not copies that
 3 we're allowed to keep ourself. The two copies are
 4 forwarded to our court section.
 5 Q Okay.
 6 A And the middle copy is given to the person who you issued
 7 the ticket to.
 8 Q I see.
 9 A But we have traffic tickets to where I'm able to have a
 10 personal copy of my own.
 11 Q Okay. So the personal copy that it's your practice to
 12 keep -- and I understand you're only speaking for
 13 yourself, not anybody else -- is it a separate copy that
 14 you fill out on a different piece of paper, or is it a
 15 photocopy of one of the --
 16 A Okay. Repeat that.
 17 Q I'm sorry.
 18 A That's okay.
 19 Q It's important, though, we understand each other, so I
 20 appreciate it.
 21 You mentioned a few minutes ago that you keep a
 22 copy for yourself.
 23 A Mm-hmm.
 24 Q The copy that you keep, do you write the same information
 25 that goes on the form that we just talked about where one

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1 would go to the defendant and two would go to the court,
 2 do you write that same information on some other document,
 3 or do you actually make a photocopy of the one that you
 4 have already filled out?
 5 A That's an officer's choice. The only time that I really
 6 put notes down on my ticket is if it's something that I
 7 need to remember when I go to court on, as far as certain
 8 things a person said or did, did they have a child jumping
 9 around in the car. It's up to the individual officers.
 10 You don't have to put notes down.
 11 Q So the notes that you put down, does that only end up on
 12 your personal copy, or do your notes appear on the copy
 13 that goes to the defendant and to the court?
 14 A My personal copy.
 15 Q I see. Okay. When you keep your personal copy, where do
 16 you keep it? Where do you put it?
 17 A Sometimes in my -- It all depends.
 18 Q Is it your own personal files or some other file in vice
 19 enforcement?
 20 A No. My own personal file.
 21 Q Okay. So for the tickets --
 22 A I'm sorry. Are you speaking of my notes or tickets?
 23 Q I think I'm asking about the copy of the ticket that would
 24 have your notes on it.
 25 A Yeah. That's my own personal file.

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20 (Pages 74 to 77)

Page 74

1 Q Okay. So for the incident that we're talking about here,
2 the CAID raid, as you sit here today, do you know whether
3 or not there is a copy somewhere that has your notes on
4 it?
5 A My personal notes?
6 Q Yeah.
7 A I normally don't put personal notes on green tickets
8 because those tickets are forwarded to the court section.
9 So if I have a young lady that's in college, and my ticket
10 is going to affect her getting her financial aid,
11 sometimes I'll put "college student" so we can speak with
12 the judge to see if we can be relaxed on this. So I don't
13 want the court to see that. But those are just my general
14 personal notes of things that I put on there.
15 So I very, very rarely put notes on the green
16 tickets that I was speaking of. The tickets that was
17 issued on the day of the CAID, I never put personal notes
18 on those tickets because that's forwarded to the court
19 section. Everyone can see those notes.
20 Q So for the tickets that were issued at the CAID that
21 night, based on your memory, there were only the three
22 copies, one that goes to the defendant and two that goes
23 to the court; there was no other copy that you kept?
24 A Well, I'll say the practice of our vice section is a copy
25 of every ticket that was issued is copied and put on

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1 determination or who -- Strike that.
2 For this particular raid, do you have any
3 knowledge of what the process was for determining who was
4 an engager/operator, you know, sorting out the engagers
5 from the loiterers?
6 A Yes. That was done by Lieutenant Yost and Sergeant Buglo.
7 Q Okay. So did you have any duties that involved dealing
8 with engagers or operators?
9 A Only when I had the interaction with them at the table.
10 Q Oh, I see. Okay.
11 A Or I probably had interaction with them first coming in.
12 I don't know.
13 Q Okay. So is it your understanding that for those who were
14 ticketed for loitering, they were ticketed because they
15 were inside the building when the raid occurred? Is that
16 fair?
17 A That's fair.
18 Q I'm going to take your activity log back.
19 I think you have a copy of what's being marked
20 as Exhibit No. 5, but I have ample copies as well if you
21 need one. What's being marked as Exhibit No. 5 -- Let me
22 pause and let her mark it.
23 (WHEREUPON, Deposition Exhibit 5
24 was marked for identification.)
25 BY MS. JAMES:

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1 file --
2 Q Oh, okay.
3 A -- at our base unit.
4 Q I see.
5 A So a copy of every ticket was copied --
6 Q Okay.
7 A -- for the file.
8 Q So based on your understanding, is it your belief that
9 vice enforcement has copies of the tickets that were
10 issued that night?
11 A Yes.
12 Q Okay. I appreciate you bearing with me.
13 A That's okay. I kind of knew where you were going with it.
14 We just both had to find out.
15 Q Right. Exactly.
16 Do you happen to know what evidence, if any, was
17 found as a result of this raid?
18 A No.
19 Q Based on your recollection, was one of your duties at this
20 particular raid to do the evidence tags and the
21 evidence-related paperwork?
22 A Not the evidence tags. Mine was to do the -- We have
23 certain forms that we have to give them, the nuisance and
24 abatement form and copies of their tickets.
25 Q Okay. For this particular raid, do you know who made the

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1 Q What was just marked as Exhibit No. 5, at the top it says
2 "Detroit Police Department Crime Report," Case Number
3 0805310096, and this is Report Number -- same number, 1.
4 Report date 5-31-2008. And just for the record, you
5 weren't the author of this report; is that correct?
6 A No. That would be Sergeant Buglo.
7 Q Have you seen this report before today?
8 A Yes.
9 Q Okay. I would like to turn your attention to page 2, and
10 the defendants are all conveniently numbered here, so I
11 would like you to take a look at number 16, third from the
12 top.
13 A Mm-hmm.
14 Q Megan Danielle Smedley. As you sit here today, do you
15 have any -- What is your -- Strike that. Let me clarify
16 this.
17 As you sit here today, what did you observe
18 Megan Smedley doing that authorized ticketing her for
19 loitering in a place of illegal occupation?
20 A Are you serious?
21 Q Yes.
22 A This was almost three years ago.
23 Q Based on what we have discussed before, is it fair to say
24 that she was ticketed because she was present in the
25 building?

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21 (Pages 78 to 81)

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1 MR. ASHFORD: Objection, asked and answered.
2 THE WITNESS: It would be fair to say.
3 BY MS. JAMES:
4 Q Okay. Do you recall her doing anything else other than
5 merely being present in the building that provided
6 probable cause for ticketing her for loitering in a place
7 of illegal occupation?
8 A That was so long ago, I can't answer that.
9 Q Is there any document that exists that would refresh your
10 recollection of what you observed of Miss Smedley that
11 evening?
12 A No.
13 Q Okay. I'm sorry. I know this is a tedious process, and
14 you'll have to humor lawyers a little bit.
15 A I know. That's why I said, "Really? That's three years
16 ago."
17 Q But I'm going to ask you about a few other numbers on
18 here. Okay? I'd like you to look at number 18, Darlene
19 Celeste Hellenberg. And as you sit here today, can you
20 recall what you observed her doing that called for
21 ticketing for loitering in a place of illegal occupation?
22 A No. It was such a long time ago.
23 Q Would it be fair to say that she was ticketed because she
24 was present in the building when the raid occurred?
25 A That's fair to say.

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1 MR. ASHFORD: Objection, no foundation.
2 BY MS. JAMES:
3 Q And do you have any other memory of observing her engaged
4 in any illegal activity other than her presence in the
5 building?
6 A No.
7 Q And let's skip all the way back to Defendant 123, the
8 bottom of page 6, Paul Matthew Kaiser. As you sit here
9 today, do you remember what you observed him doing that
10 authorized ticketing him for loitering in a place of
11 illegal occupation?
12 MR. ASHFORD: Objection, form.
13 THE WITNESS: No.
14 BY MS. JAMES:
15 Q Okay. And would it be fair to say that he was ticketed
16 because he was present inside the building?
17 MR. ASHFORD: Objection to form.
18 THE WITNESS: It's fair to say.
19 BY MS. JAMES:
20 Q Okay. And as you sit here today, do you have any
21 recollection of Mr. Kaiser engaging in any illegal
22 activity that you observed other than being present?
23 A Repeat that.
24 MR. ASHFORD: Objection to form.
25 BY MS. JAMES:

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1 Q I'm sorry. Do you recall having observed Mr. Kaiser
2 engage in any illegal activity other than being present in
3 the building?
4 A No.
5 MS. JAMES: I'll take that one back from you.
6 Thanks. Can you mark this as No. 6?
7 (WHEREUPON, Deposition Exhibit 6
8 was marked for identification.)
9 BY MS. JAMES:
10 Q Okay. I have handed you what is marked as Exhibit No. 6.
11 Across the top it says "Detroit Police Department
12 Follow-Up Report," and it has the same report number as
13 the previous exhibit except this one is .3, dated June
14 2nd, 2008. And, again, just for the record, this doesn't
15 appear to have been written by you; is that correct?
16 A That's correct.
17 Q And you haven't signed it or anything like that, right?
18 A No. No signature goes on these.
19 Q I'd like to draw your attention to a portion that is
20 marked VEU46. Do you see that?
21 A Yes.
22 Q Okay. It's on the first page, Darlene Celeste Hellenberg.
23 First, I have asked this question, and I haven't gotten an
24 answer yet. Do you know what VEU stands for?
25 A Vice enforcement unit.

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1 Q So the numbers on here, I notice at the beginning of the
2 page it starts at forty. Do you have any understanding of
3 why it starts at forty?
4 A Because that was the fortieth vehicle that was forfeited
5 for that particular year.
6 Q For that year?
7 A Yes.
8 Q I see. Okay. You solved a great mystery.
9 A I'm pretty sure you deposed a few officers that don't work
10 at the vice unit.
11 Q That's right. Okay.
12 As you sit here today, do you recall whether you
13 authorized the abatement of Miss Hellenberg's vehicle?
14 A The authorization comes from the OIC.
15 Q Okay.
16 A But I am her issuing officer as far as her ticket, so my
17 name automatically will go onto her nuisance and abatement
18 form.
19 Q I see. Okay. Now, I have come across an example where an
20 officer was the tickoting officer for the loitering
21 ticket; however, there's a different officer's name on the
22 nuisance abatement form. Do you know why that might
23 occur?
24 A It's a different name on the nuisance abatement form?
25 Q Correct.

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22 (Pages 82 to 85)

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1 A Probably that officer probably went out and physically
2 looked at the vehicle for themselves, so that's why their
3 name may be on there.
4 Q Okay. But is it your understanding that as a general rule
5 usually the officer who issues the loitering ticket is the
6 same officer who signs or has their name on the nuisance
7 abatement form?
8 A No.
9 Q Oh, I'm sorry. Okay. Is there some connection between
10 issuing the loitering ticket and the ultimate abatement of
11 the vehicle?
12 A I can be your arresting officer, but I may not be the
13 officer that impounded your vehicle.
14 Q Okay. To your knowledge, is there any paperwork, other
15 than the nuisance abatement form itself, is there any
16 report that lists the officer who authorized the abatement
17 for each vehicle?
18 MR. ASHFORD: Objection, no foundation.
19 Objection to form.
20 BY MS. JAMES:
21 Q If you know.
22 A No. The officer who's authorizing the abatement is going
23 to be the officer -- for the blind pig -- is going to be
24 the officer in charge. On every nuisance and abatement
25 form, you're going to see two different officers'

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1 signatures. You're automatically, for the blind pig,
2 you're going to see the officer in charge which is
3 Lieutenant Yost. Her name should be on every nuisance and
4 abatement form authorizing the confiscation of the
5 vehicle.
6 Q So Lieutenant Yost is the one who authorizes the abatement
7 for all the vehicles?
8 MR. ASHFORD: Objection.
9 THE WITNESS: Not authorizes. Lieutenant Yost's
10 name will be as the officer in charge or the -- I have to
11 show you. You have to see the nuisance and abatement
12 form, but it has a section for the commanding officer who
13 is in charge because we, in order to have a vehicle
14 abated, we have to have a supervisor sign it.
15 BY MS. JAMES:
16 Q Okay. So any officer may fill out a nuisance abatement
17 form, have their name on it authorizing the abatement, but
18 then it goes to a supervisor to review and sign?
19 A Yes.
20 Q Do you recall whether or not you filled out the nuisance
21 abatement form for any of the vehicles that were seized at
22 this raid?
23 A Yes, I did.
24 Q And the document that we're looking at, Exhibit No. 6, I'm
25 still trying to figure out what this is to be perfectly

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1 frank with you. Does this document suggest that the
2 officer who is listed here authorized the abatement of
3 that vehicle?
4 A No. I really don't know. This is the way Sergeant Buglo
5 chose to do his report. It could be anything, who wrote
6 the ticket. I don't know if they're saying that that
7 officer is the one that wrote the ticket or whose name is
8 on the forfeiture sheet. I'm not sure.
9 Q So is it fair to say that the best record to determine
10 which officer authorized the abatement of the vehicle
11 would be the nuisance abatement form itself?
12 A Correct. Yes.
13 Q Okay. And to your knowledge, does vice enforcement retain
14 copies of those forms?
15 A It's forwarded to the prosecutor's office, Frank Murphy
16 Building on the tenth floor.
17 Q So vice enforcement does not retain a copy of that?
18 A I'm pretty sure we do. We do have a copy of it.
19 Q So is it your understanding that the form itself is
20 forwarded to Frank Murphy, but vice enforcement keeps a
21 copy of that form?
22 A The original form has to be forwarded to the prosecutor's
23 office.
24 Q But vice enforcement keeps a copy?
25 A Yes.

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1 MS. JAMES: And, again, just for the record, we
2 have requested and not received copies of any of the
3 ~~misdemeanor tickets nor the nuisance abatement forms.~~ We
4 have now obtained several sources of testimony indicating
5 that it is within the control of the Detroit Police
6 Department, so I'm renewing my request that that be
7 supplemented. Sorry. That has little to do with you.
8 THE WITNESS: That's okay. I know you have to
9 get your discovery.
10 MS. JAMES: I'll take this back, by the way.
11 Thanks.
12 (Recess taken from 12:52 p.m. to 1:10 p.m.)
13 BY MS. JAMES:
14 Q We're back on the record. Once a ticket is issued for
15 loitering in a place of illegal occupation, do you know
16 whether a prosecutor has to approve the ticket, if you
17 know?
18 A It's forwarded to the court section.
19 Q But do you know whether or not a prosecutor reviews or
20 approves it?
21 A No, I don't know.
22 Q Okay. Have you ever been contacted by a prosecutor who
23 says they're reviewing a ticket that you wrote, and they
24 ask you some questions about that ticket?
25 A No.

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23 (Pages 86 to 89)

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1 Q And I believe you testified earlier that you did authorize
2 the abatement of some vehicles on the night of the CAID
3 raid; is that right?
4 A No, not authorized. I said my name may be on some of the
5 nuisance abatement forms.
6 Q Okay. Let's clarify some of those terms so we make sure
7 we're understanding each other. If your name appears on
8 the form, does that mean it was your decision to abate the
9 vehicle?
10 A Yes.
11 Q So there were some vehicles that evening where you decided
12 it would be abated under the statute; is that right?
13 A No. There may be some forms that have my name on it
14 because I'm the issuing officer.
15 Q Okay. For the forms where your name appears, who made the
16 decision that that vehicle was going to be seized and
17 abated?
18 A I need you to actually see the form.
19 Q Okay.
20 A Lieutenant Yost is the one that's authorizing all the
21 vehicles. Well, she's the one that's making the decision
22 that all the vehicles are going to be nuisance and abated,
23 but you have different officers -- You may have an officer
24 that went out, and I wrote the ticket, but he was the
25 actual officer that went out and conducted the impound of

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1 MR. ASHFORD: Objection as to form.
2 THE WITNESS: Under the nuisance and abatement.
3 BY MS. JAMES:
4 Q I understand what the law is. I'm asking what are the
5 factual circumstances that met the standard of the law?
6 MR. ASHFORD: For every car?
7 MS. JAMES: Yeah.
8 THE WITNESS: I can't answer that for every car.
9 BY MS. JAMES:
10 Q Well, let me ask it more generally. Was it your
11 understanding that as long as somebody was ticketed for
12 loitering, that that satisfied the standard for abating
13 their car?
14 A Are you stating under the nuisance and abatement code?
15 Q Yes.
16 A Yes.
17 Q All right. Once a vehicle is subject to abatement, do you
18 know what a person has to do to get their car back if they
19 want it back?
20 A No.
21 Q So have you ever heard anything about people having to pay
22 money to get their cars back?
23 A Oh, yes, I have heard of that.
24 Q And what's your understanding of that?
25 MR. ASHFORD: Objection as to form.

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1 the car.
2 Q Okay.
3 A So his name may go on it. Even though my name is the
4 officer authorizing the impound of the vehicle, it may not
5 necessarily be my name that was on the forfeiture sheet.
6 It may be the officer who actually did the -- surveyed the
7 vehicle.
8 Q I'll try to ask this question as directly as I can. Who
9 makes the decision that a vehicle meets the standards for
10 abatement under the law and decides that that vehicle will
11 be abated?
12 MR. ASHFORD: Objection to form.
13 THE WITNESS: To my understanding, with the
14 blind pig, the OIC.
15 BY MS. JAMES:
16 Q Okay. So is it fair to say that for any vehicles that
17 were abated at the CAID raid, it was ultimately Lieutenant
18 Yost's decision?
19 A Correct.
20 MR. ASHFORD: Objection to form.
21 THE WITNESS: Correct.
22 BY MS. JAMES:
23 Q Okay. And what is your understanding, if you know, of the
24 circumstances that made it appropriate for the vehicles
25 that were abated that night to be abated?

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1 THE WITNESS: What?
2 BY MS. JAMES:
3 Q Do you have any more specific knowledge than just the
4 general notion that people paid some money?
5 A Yeah. I heard that they just go to the prosecutor's
6 office. They're given the abatement form, and they go to
7 the prosecutor's office.
8 Q Do you know approximately how much they pay at the
9 prosecutor's office?
10 A No.
11 Q Do you know what happens to the money that's paid for the
12 return of a car?
13 A No.
14 Q So you don't know whether or not the City of Detroit gets
15 any of that money?
16 A No, I don't.
17 Q In your experience at all as an officer, have you ever had
18 any experience where you have been encouraged to seize a
19 large number of vehicles under the nuisance abatement
20 statute?
21 MR. ASHFORD: Objection as to form.
22 THE WITNESS: What do you mean by "encouraged"?
23 BY MS. JAMES:
24 Q I mean has anyone ever said, "Now, if there are a lot of
25 cars there, make sure you get as many cars as you can,"

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24 (Pages 90 to 93)

Page 90

1 something like that?

2 A No.

3 Q Have you ever been commended for seizing a high number of

4 vehicles?

5 A What do you mean by "commended"?

6 Q Did anyone ever say, "Good job on seizing all those

7 vehicles"?

8 MR. ASHFORD: Objection to form.

9 THE WITNESS: I have been commended for just

10 good work.

11 BY MS. JAMES:

12 Q But not specifically for seizing a large number of cars?

13 A Not for the sole purpose of taking a vehicle, no.

14 Q All right. During your employment -- Oh, yeah, I'm sorry.

15 Let me back up and fill in one more spot here.

16 When a person is issued a loitering -- Is it

17 okay if I shorten the phrase of loitering in a place of

18 illegal occupation to loitering?

19 A We call it LIPIO. You can say LIPIO.

20 Q LIPIO? Oh, okay, LIPIO. I'll say that phrase then. I

21 should have learned that phrase a long time ago.

22 MR. KOROBKIN: We should have been doing that

23 all along.

24 BY MS. JAMES:

25 Q In your experience having issued LIPIO tickets, does the

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1 supervisor.

2 Q Not giving information to your supervisor or information

3 about your supervisor? I wasn't sure.

4 A About my supervisor.

5 Q Tell me what you remember about the events that led to

6 that accusation.

7 A My name was on a run sheet.

8 Q On what run sheet?

9 A The activity log sheet, the sheet that you see where my

10 name and signature is.

11 Q Okay. I guess I don't understand what you mean. Can you

12 give me a little more detail about what the underlying

13 accusation is?

14 A Whatever action that transpired on that day, every officer

15 named that was on that run sheet for that date, we were

16 suspended.

17 Q What was the activity that occurred that day?

18 A The allegation of the officer was that he changed a

19 location on a ticket.

20 Q I mean, can you describe this in a little more detail?

21 I'm really not understanding.

22 A I can't. My name was just on the run sheet. I was

23 working with that supervisor that day, and my name was on

24 the run sheet, so every officer that was on that form was

25 suspended.

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1 ticket itself set a court date; do you recall?

2 A Not now it doesn't.

3 Q Not now it doesn't?

4 A No.

5 Q Has it before in the past?

6 A Yes, some years ago. I can't tell you how long it's been.

7 Q Okay. But is it fair to say that when a person receives a

8 LIPIO ticket, whether the court date is on the ticket

9 itself, at some point they have to appear in court; is

10 that your understanding?

11 A Yes.

12 Q During your employment at the Detroit Police Department,

13 have you ever been suspended?

14 A Yes.

15 Q And when was that?

16 A I don't remember the exact date.

17 Q Okay.

18 A It was for --

19 Q Can you give me the year?

20 A '09.

21 Q Okay. And what was the reason for your suspension as you

22 understand it?

23 A Neglect of duty.

24 Q In what way were you accused of neglecting your duty?

25 A For not informing information or allegation of a

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1 Q But what was the underlying issue about the wrong

2 location? What are the facts surrounding that?

3 A An officer accused another officer of changing a location

4 on his ticket.

5 Q Okay. So what kind of ticket, if you recall?

6 A I don't remember what type of ticket.

7 Q So an officer issued a ticket. Another officer accused --

8 Who was the officer who issued the ticket, if you recall?

9 A I can't remember the officer who issued it.

10 Q Okay. So an officer issued a ticket that as you

11 understand another officer claimed had the wrong location

12 of the occurrence of the incident that was being ticketed

13 about? Am I getting that roughly correct?

14 A Yes.

15 Q And do you recall the names of any of the officers who

16 were involved in the underlying -- not just who appeared

17 on the run sheet but who were actually accused of being

18 involved in the --

19 A No. I would have to see the activity log.

20 Q Okay. You don't know the date of that activity log, do

21 you?

22 A No.

23 Q Do you know whether there was an internal investigation of

24 this issue within the department?

25 A Yes.

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25 (Pages 94 to 97)

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1 Q And how were you notified that that investigation was
2 taking place?
3 A I was suspended.
4 Q So your first notification that an investigation was
5 occurring was when you were told you were being suspended?
6 A Yes.
7 Q And who notified you of that, if you recall?
8 A I don't know. Somebody from internal affairs.
9 Q Okay. Do you know what the final outcome or finding of
10 that investigation was as to you?
11 A Mm-hmm.
12 Q What was the finding?
13 A I got a written reprimand --
14 Q Okay.
15 A -- for signing my activity log without reviewing it.
16 Q I see. And was there a finding or a conclusion that you
17 were in neglect of duty?
18 A Yes, for not reviewing my run sheet.
19 Q And how long were you on suspension?
20 A Two days.
21 Q And other than the two-day suspension and the written
22 reprimand, were there any other changes in your employment
23 or duties as a result of this incident?
24 A No.
25 Q And once you returned to work, did you return to your

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1 A Yes.
2 Q Have you ever received any other formal discipline during
3 your employment with the Detroit Police Department?
4 A No.
5 Q Okay. To your knowledge, have there ever been any citizen
6 complaints lodged against you?
7 A Yes.
8 Q Okay. And based on your knowledge and memory, do you know
9 roughly how many?
10 A No.
11 Q More than one, if you know?
12 A I don't know.
13 Q You're not sure if it's been more than one?
14 MR. ASHFORD: Objection, asked and answered.
15 THE WITNESS: I don't know.
16 BY MS. JAMES:
17 Q Okay. Do you recall what you were accused of doing in any
18 complaint that's been made against you?
19 A Improper ticket.
20 Q And does that mean someone was complaining that you didn't
21 have probable cause to ticket them?
22 A No. They wasn't happy with the ticket that I wrote them.
23 Q I'm not sure what that means. Is it your understanding
24 that they were disputing that they should have been
25 ticketed? They were saying, "I didn't do anything; I

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1 normal work, or was there some change in how you were
2 assigned once you returned to work?
3 A No. I still stayed.
4 Q And I'm sorry. What unit were you in when that occurred?
5 A Vice unit.
6 Q How long after this incident were you transferred out of
7 the vice unit?
8 A I wasn't transferred out.
9 Q I'm sorry. I can use different words. At some point you
10 transferred from vice unit to some other assignment; is
11 that right?
12 A Yes.
13 Q And how long between this incident and that transfer, if
14 you recall?
15 A When the incident occurred, I put in paperwork to
16 transfer.
17 Q So you requested to transfer somewhere else?
18 A Yes.
19 Q I understand. Was this incident part of your decision to
20 request a transfer?
21 A No. My son graduated from high school.
22 Q Oh, okay. Congratulations.
23 A Thank you.
24 Q That's great. Is this the only time that you have ever
25 been suspended?

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1 shouldn't have been ticketed"?
2 A They didn't think it was fair for me to write them the
3 ticket.
4 Q But is it your understanding that they were disagreeing
5 that they had done anything that allowed you to ticket
6 them?
7 A Their reasoning, they agreed to knowing why I wrote the
8 ticket, but I guess they had their circumstances. They
9 had an emergency, so they felt they shouldn't have been
10 written a ticket.
11 Q Oh, I see. They felt like they had some kind of excuse?
12 A Correct.
13 Q All right. Is that the only complaint that you can recall
14 as we sit here?
15 A Yes.
16 Q And do you recall what the finding or outcome was of that
17 complaint?
18 A I was found -- It was sustained. I guess sustained means
19 no finding of wrongdoing on my part.
20 Q So you were found to have acted properly?
21 A Correct.
22 MS. JAMES: Can we mark this as Exhibit 7?
23 (WHEREUPON, Deposition Exhibit 7
24 was marked for identification.)
25 BY MS. JAMES:

Officer Sheron Johnson

10/28/2011

26 (Pages 98 to 101)

Page 98

1 Q I'm handing you what has just been marked as Exhibit 7.
 2 The top document or the top page of the record says
 3 "Detroit Police Department Officer Information Report,"
 4 and the remaining pages are on a landscape view, and the
 5 beginning of it says "Citizen Complaint Report Filed
 6 Against DPD Officer." Have you ever seen anything that
 7 looks like the pages I have just handed you?
 8 A No.
 9 Q Okay. Sorry. I have to find what I'm looking for. I'll
 10 give you a second to finish reading over it.
 11 A Oh, no. I'm good. Go ahead.
 12 Q Now, I understand that you didn't create this record, and
 13 you're not familiar with this record, but to your
 14 knowledge, if this record were presented as a list of
 15 complaints that had been made against you, would you have
 16 a reason to disagree with that?
 17 A Is that what this is?
 18 MR. ASHFORD: Objection as to form, asked and
 19 answered.
 20 BY MS. JAMES:
 21 Q I didn't make the record. I can only tell you that this
 22 has been produced to us as coming from the Detroit Police
 23 Department in response to our request for reports of
 24 citizen complaints against defendants in this case.
 25 A I see the form on the back.

Page 99

1 Q Okay.
 2 A Yes.
 3 Q Yes, you agree that that's what this is?
 4 MR. ASHFORD: Object to --
 5 THE WITNESS: I won't agree to it, but it has my
 6 name and says citizen complaint, so if you requested it, I
 7 would say it would be fair.
 8 BY MS. JAMES:
 9 Q I would like you to sort of browse the column on the pages
 10 that are in the landscape format and browse the findings.
 11 Many of the findings are not sustained, exonerated, not
 12 sustained, and then there are some that are pending.
 13 A Okay.
 14 Q Is it your understanding of the terminology that's used
 15 within the Detroit Police Department that if a complaint
 16 is not sustained, then that means that's not a negative
 17 finding against you?
 18 MR. ASHFORD: Objection.
 19 BY MS. JAMES:
 20 Q That means the complaint -- there was something about the
 21 complaint that failed in some way? Do you know whether
 22 that's the case?
 23 A No.
 24 MR. ASHFORD: Objection as to form.
 25 THE WITNESS: No, I don't know.

Page 100

1 BY MS. JAMES:
 2 Q You don't know. So if we look at page -- It's the second
 3 page of the entire document. It's the first page in
 4 landscape format, the one that has the title "Citizen
 5 Complaint Report Filed Against DPD Officer." So if we
 6 look at the top, right under "Office of the Chief
 7 Investigator," BPC No. 03-300, CCR No. 33612, so where the
 8 finding says "Sustained," do you know whether that means
 9 that the complaint against you was found to have some
 10 merit?
 11 A I don't know. I haven't answered to any complaints.
 12 Q So is it your testimony that between the dates of April
 13 2nd, 2003, and March 25th, 2004, no one notified you that
 14 there was a complaint against you that had any merit?
 15 A No, but it would be fair to say that every complaint that
 16 has my name included on it, I'm not advised of it.
 17 Q Do you know whether your supervisors are advised of it?
 18 A I have no idea.
 19 Q Okay. Is it your understanding that if a complaint were
 20 made against you that investigators found to have some
 21 merit, is it your understanding that they would notify you
 22 of it?
 23 A Well, I would say that it's my understanding, while
 24 working at Northeastern District, that I would be advised
 25 of it, but a lot of the complaints that come from the

Page 101

1 narcotics unit is usually against the crew.
 2 Q Okay. So just to clarify, you have no memory of any
 3 complaint made against you to which this could be
 4 referring; is that fair?
 5 MR. ASHFORD: Objection, asked and answered.
 6 THE WITNESS: No, that wouldn't be fair to say.
 7 BY MS. JAMES:
 8 Q Oh, I'm sorry.
 9 A I have answered complaints before, but I would have to see
 10 the name and the circumstances to state whether I answered
 11 to those complaints or not.
 12 MS. JAMES: And just for the record, we have
 13 requested the complete citizen complaint files against all
 14 of the defendants in this case. We do not have a record
 15 of BPC No. 03-300, CCR No. 33612, and, again, I would
 16 renew my request to receive this complete file. I'll take
 17 that back.
 18 BY MS. JAMES:
 19 Q We are very close to the end here. I appreciate your
 20 patience.
 21 To your knowledge, other than the lawsuit that
 22 brings us here today, have there been other lawsuits filed
 23 against you in your capacity as a police officer for the
 24 Detroit Police?
 25 A That I know of, two.

Officer Sheron Johnson

10/28/2011

27 (Pages 102 to 105)

Page 102

1 Q And what are the two that you know of?
 2 A My shooting.
 3 Q Okay. And when did the shooting occur?
 4 A I think it was 2003.
 5 Q Do you know the name of the plaintiff in that case by any
 6 chance?
 7 A No. I can't remember his name.
 8 Q Do you know whether that lawsuit has concluded or whether
 9 it's still pending?
 10 A It's concluded.
 11 Q Okay. Do you know what the conclusion was, how it ended?
 12 A It didn't -- he didn't -- he wasn't granted his lawsuit.
 13 Q His lawsuit was dismissed; is that your understanding?
 14 A I don't know. I don't know. Is that the term they use?
 15 But he didn't win his lawsuit.
 16 Q Do you recall whether that went to trial? Did you testify
 17 at trial?
 18 A He was found guilty in trial.
 19 Q I'm sorry. I'm talking about the civil lawsuit.
 20 A I just came in and was deposed, and that was it.
 21 Q And to your knowledge, do you know whether or not the
 22 lawsuit settled?
 23 A No, it didn't.
 24 Q All right. And what's the other case that you recall?
 25 A I was hit on duty by a civilian.

Page 103

1 Q Hit in what way?
 2 A By a motor vehicle.
 3 Q Oh, okay. And did you sue someone as a result of that, or
 4 were you sued?
 5 A No. The person that hit me died two years later, not as a
 6 result of the accident, but his family said ever since the
 7 accident -- His daughter tried to sue. I don't know if it
 8 was a loss of her father, but she came in and put in a
 9 lawsuit.
 10 Q Okay. And do you recall when that -- Do you recall the
 11 approximate time period that you were notified of that
 12 lawsuit?
 13 A No. I don't even remember the year. It's been a long
 14 time.
 15 Q Is it fair to say several years ago?
 16 A Yeah.
 17 Q And do you recall the outcome of that lawsuit?
 18 A There was no pay-out, anything.
 19 Q To your knowledge, have you, other than the lawsuit that
 20 brings us here today, do you know whether you have ever
 21 been sued where there was an accusation that you detained
 22 someone without probable cause?
 23 A No.
 24 Q And to your knowledge, have you ever been sued where you
 25 were accused of prosecuting someone without probable

Page 104

1 cause?
 2 A No.
 3 Q And to your knowledge, have you ever been sued where you
 4 were accused of causing a person's vehicle to be seized
 5 without probable cause?
 6 A No.
 7 Q To your knowledge, have you ever been sued and accused of
 8 using excessive force other than the shooting?
 9 A No.
 10 Q And I apologize that I don't have any more detail, but do
 11 you remember a lawsuit that was filed in 2005 by someone
 12 named Shae Martin? Does that ring a bell to you?
 13 A No.
 14 Q To your knowledge, was Shae Martin a plaintiff in either
 15 of the cases that we have discussed before, the car
 16 accident or the shooting?
 17 A No, unless it's a female. Is Shae Martin a female?
 18 Q I wish I could tell you.
 19 A I don't know. I can't remember the young man's daughter's
 20 name, so I don't know.
 21 MS. JAMES: And, again, just for the record, we
 22 have requested all documents regarding lawsuits against
 23 the defendants, and we have not been able to obtain all of
 24 the documents we have requested, and I would formally
 25 request any records within the defendant's control

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1 regarding the Martin lawsuit.
 2 BY MS. JAMES:
 3 Q Do you know whether any lawsuits against you have ever
 4 resulted in an internal investigation within the
 5 department of you?
 6 A No.
 7 Q Have you ever been disciplined as the result of a lawsuit
 8 against you?
 9 A No.
 10 Q And, again, bear with me. I have to phrase these a few
 11 different ways. Have you ever been ordered to attend any
 12 training as the result of a lawsuit against you?
 13 A No.
 14 Q And have you ever been warned, either formally or
 15 informally, as the result of any lawsuits against you?
 16 A No.
 17 Q Okay. Let me consult with my colleague for just a second,
 18 but I think we may be done.
 19 (Discussion off the record.)
 20 MS. JAMES: Let's go back on the record for just
 21 a second. I have no further questions.
 22 MR. ASHFORD: I have no questions.
 23 (Deposition concluded at 1:40 p.m.)
 24 ---
 25

Officer Sheron Johnson

10/28/2011

28 (Page 106)

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1 STATE OF MICHIGAN)
2)ss.
3 COUNTY OF OAKLAND)

4 I, Denise Moorfoot, a Notary Public in and for
5 the above county and state, do hereby certify that the
6 witness, whose attached deposition was taken before me in
7 the entitled cause on the date and the time and place
8 hereinbefore set forth, was by me first duly sworn to
9 testify to the truth, the whole truth and nothing but the
10 truth; that the testimony contained in said deposition was
11 by me reduced to writing in the presence of said witness
12 by means of stenography; that said testimony was
13 thereafter reduced to written form by mechanical means;
14 and that the deposition is, to the best of my knowledge
15 and belief, a true and correct transcript of my
16 stenographic notes so taken.

17 I further certify that I am not of counsel to
18 either party nor interested in the event of this cause.

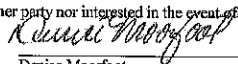
19 
20 Denise Moorfoot
21 Notary Public, Oakland County
22 Acting in the County of Wayne
23 My commission expires: 10-30-11
24
25



EXHIBIT 28

COMPLAINT

State of Michigan
County of Wayne
City of Detroit

ss

U423-640-08

The undersigned upon his oath deposes and says that on:

Saturday 5/31/2008 2:00 P.M.
DAY MO. DA. YEAR

NAME Thomas MahlerADDRESS 741 W. Lewiston Ave.CITY Ferndale STATE MI ZIP 48224EYES HAR HT. 6'1 WT. 170 SEX M D.O.B.

Mo.	Day	Year
9	2	87

RACE _____ HAIR COLOR _____

Drivers License No. M460798354684 State MI
or other I.D. (SPECIFY) _____

Social Security No. Last 4 Digits

Did unlawfully in the city and county aforesaid commit the following offense:

LOCATION: 5141 Rosa Parks 9:50 M

LOITER IN A PLACE
OF ILLEGAL OCCUPATION

38-5-1

Contrary to the Municipal Code of the City of Detroit, Sec. _____

Issuing Officer B. Cole Badge 280District 65 S.C. Area 10

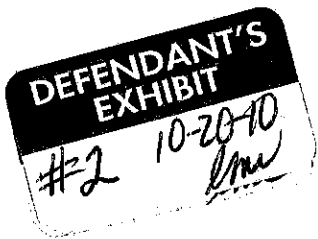
I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.

5/31/08 Date [Signature] Signature of Complainant

SEE BACK OF CITATION FOR EXPLANATION AND INSTRUCTIONS:

- ☐ Contact Court Within 21 Days
☐ Court Room No. _____
☒ Immediate Arraignment 6/9/08 @ 8:30 A.M.
☐ Juvenile (Court Will Notify)

36th DISTRICT COURT, TRAFFIC AND ORDINANCE DIVISION
421 MADISON AVENUE, DETROIT, MICHIGAN 48226
TELEPHONE: (313) 965-8700



U423-640-08

DATE

~~JUN~~ 9 2008

DEFENDANT ARRAIGNED AND PLEADS

Guilt

Not Guilty

X

MAGISTRATE'S RECOMMENDATION:

PE 6-24-08
E. H.
B. H.
P. H.

1

CONTINUED TO

NANCY BLOUNT, JUDGE
BEVERLY A. DAVIS, CLERK

2

CONTINUED TO

COURT REPORTER
SHARON M. GIBSON
CSR-2008

JUN 24 2008

CAPIAS

~~Warrant~~ ~~HARRIS~~

OFFICER'S NOTATIONS

10-14-DHW 830
B/C Am

NANCY BLOUNT, JUDGE
BEVERLY A. DAVIS, CLERK

JAILED

D.H. of C.

W.C.J.

days

FINE OF \$

BEVERLY HARRIS

COURT REPORTER

Judge/Magistrate/Deputy Clerk

CSR-2008

E. Kallimah Rashad
Court Clerk 1

Judge Nancy Blount

DISMISSED WITHOUT PREJUDICE

DISMISSED

SEP 19 2008

1/2/09
MKM

08/03/09

EXHIBIT 29

**DETROIT POLICE DEPARTMENT FOLLOW-UP
REPORT**

DETROIT POLICE DEPARTMENT

Case No. 0805310096
 Report No. 0805310096.2
 Report Date: 5/31/2008

1

Page 1 of 8

Subject: **PROPERTY CONFISCATED**

Case Report Status	V - VERIFIED	Date Entered	5/31/2008 8:01:22 AM	Reporting Officer	
County	82 - WAYNE	Entered By	230853 - SMITH, RAYMOND	231996 - BUGLO, DANIEL	
City/Township	99 - DETROIT	Date Verified	5/31/2008 8:39:18 AM	Assisted By	
Occurred On (and Between)	5/31/2008 2:20:00 AM	Verified By	231996 - BUGLO, DANIEL		
Location	5141 ROSA PARKS BLVD.	Date Approved			
CSZ		Approved By			
Census/Geo Code	5150	Connecting Cases		Assist Agency	
Grid	C2 - 0102	Disposition	ACTIVE		
Call Source	OTHER	Tactical Actions			
Vehicle Activity		Clearance Reason			
Vehicle Traveling		Date of Clearance			
Cross Street		Reporting Agency	DETROIT POLICE DEPARTMENT		
Means		Division	VICE SECTION		
Other Means		Notified			
Motive					
Other Motives					

Report Narrative **POLICE OFFICER RAYMOND SMITH BADGE 1619 ASSIGNMENT VICE ENFORCEMENT
 EXECUTION OF SEARCH WARRANT #08001827**

**ON ABOVE MENTION DATE AND TIME VICE EXECUTED MENTION WARRANT AND CONFISCATED THE BELOW
 PROPERTY'S. ALL PROPERTY WAS CONVEY AND STORED AT CENTRAL DIST.**

Offense Detail: 0990 - INFORMATION

Offense Description	0990 - INFORMATION	Location	05 - COMMERCIAL/OFFICE BUILDING
IBR Code		Offense Completed?	NO
IBR Group		Hate/Bias	00 - NONE (NO BIAS)
Crime Against		Domestic Violence	NO
Offense File Class	99009 -	No. Prem. Entered	
PACC		Entry Method	
Local Code		Type Security	
		Tools Used	
Using			
Criminal Activity			
Weapons			

Property Description Item 1: 2102 - BILLS - MISC./ASSORTED - U.S CURRENCY

Item No.	1
Property Category	2102 - BILLS - MISC./ASSORTED
Property Class	20
IBR Type	20 - MONEY
UCR Type	A - CURRENCY, NOTES, ETC...
Status	ES - EVIDENCE (SEIZED)
Count	1
Value	168
Manufacturer	
Model	
Serial No.	
License No.	
Color	
Description	U.S CURRENCY
Vehicle Year	
Body Style	
State	
License Year	

**DETROIT POLICE DEPARTMENT FOLLOW-UP
REPORT**

DETROIT POLICE DEPARTMENT

Case No. 0805310096
Report No. 0805310096.2
Report Date: 5/31/2008

2

Page 2 of 8

Recovered Date/Time
Owner
Disposition
Evidence Tag E28083604
Lock Seals
Evidence Recovered Date/Time 5/31/2008 2:20:00 AM
Evidence Recovered By 230853 - SMITH, RAYMOND
Evidence Recovered From PREMISES
Evidence Location CD - CENTRAL DISTRICT 1
Alert(s)

Drug Type
Drug Quantity
Drug Measure

Property Notes \$168.00 IN U.S CURRENCY

Property Description Item 2: 2102 - BILLS - MISC./ASSORTED - U.S CURRENCY

Item No. 2
Property Category 2102 - BILLS - MISC./ASSORTED
Property Class 20
IBR Type 20 - MONEY
UCR Type A - CURRENCY, NOTES, ETC...
Status ES - EVIDENCE (SEIZED)

Count 1
Value 60
Manufacturer
Model
Serial No.
License No.
Color

Description U.S CURRENCY

Vehicle Year
Body Style
State
License Year

Recovered Date/Time
Owner
Disposition
Evidence Tag E28083704
Lock Seals
Evidence Recovered Date/Time 5/31/2008 2:20:00 AM
Evidence Recovered By 230853 - SMITH, RAYMOND
Evidence Recovered From BRANDON WALLEY
Evidence Location CD - CENTRAL DISTRICT 1
Alert(s)

Drug Type
Drug Quantity
Drug Measure

Property Notes \$60.00 IN U.S CURRENCY

Property Description Item 3: 2102 - BILLS - MISC./ASSORTED - U.S CURRENCY

Item No. 3
Property Category 2102 - BILLS - MISC./ASSORTED
Property Class 20
IBR Type 20 - MONEY
UCR Type A - CURRENCY, NOTES, ETC...
Status ES - EVIDENCE (SEIZED)

Count 1
Value 663

DETROIT POLICE DEPARTMENT FOLLOW-UP REPORT

DETROIT POLICE DEPARTMENT

Case No. 0805310096
Report No. 0805310096.2
Report Date: 5/31/2008

3

Page 3 of 8

Manufacturer
Model
Serial No.
License No.
Color
Description U.S CURRENCY
Vehicle Year
Body Style
State
License Year

Recovered Date/Time

Owner

Disposition

Evidence Tag E28083804

Lock Seals

Evidence Recovered Date/Time 5/31/2008 2:20:00 AM

Evidence Recovered By 230853 - SMITH, RAYMOND

Evidence Recovered From JOSEPH TIMLIN

Evidence Location CD - CENTRAL DISTRICT 1

Alert(s)

Drug Type

Drug Quantity

Drug Measure

Property Notes \$663.00 IN U.S CURRENCY

Property Description Item 4: 1699 - COMPUTER - OTHER - PROSTAR LAPTOP COMPUTER

Item No. 4

Property Category 1699 - COMPUTER - OTHER

Property Class 07

IBR Type 07 - COMPUTER HARDWARE/SOFTWARE

UCR Type F - TV'S, RADIOS, STEREOS, ETC...

Status ES - EVIDENCE (SEIZED)

Count 1

Value 0

Manufacturer

Model

Serial No.

License No.

Color

Description PROSTAR LAPTOP COMPUTER

Vehicle Year

Body Style

State

License Year

Recovered Date/Time

Owner

Disposition

Evidence Tag E28083904

Lock Seals

Evidence Recovered Date/Time 5/31/2008 2:20:00 AM

Evidence Recovered By 230853 - SMITH, RAYMOND

Evidence Recovered From PREMISES

Evidence Location CD - CENTRAL DISTRICT 1

Alert(s)

Drug Type

Drug Quantity

Drug Measure

Property Notes

DETROIT POLICE DEPARTMENT FOLLOW-UP REPORT

DETROIT POLICE DEPARTMENT

Case No. 0805310096
Report No. 0805310096.2
Report Date: 5/31/2008

4

Page 4 of 8

Property Description Item 5: 2806 - MERCHANDISE - TV, RADIO, STEREO, VCR - TECHNICS TURNTABLE

Item No.	5
Property Category	2806 - MERCHANDISE - TV, RADIO, STEREO, VCR
Property Class	19
IBR Type	19 - MERCHANDISE
UCR Type	F - TV'S, RADIOS, STEREOS, ETC...
Status	ES - EVIDENCE (SEIZED)
Count	1
Value	0
Manufacturer	
Model	
Serial No.	
License No.	
Color	
Description	TECHNICS TURNTABLE
Vehicle Year	
Body Style	
State	
License Year	
Recovered Date/Time	
Owner	
Disposition	
Evidence Tag	E28084004
Lock Seals	
Evidence Recovered Date/Time	5/31/2008 2:20:00 AM
Evidence Recovered By	230853 - SMITH, RAYMOND
Evidence Recovered From	PREMISES
Evidence Location	CD - CENTRAL DISTRICT 1
Alert(s)	
Drug Type	
Drug Quantity	
Drug Measure	

Property Notes

Property Description Item 6: 2806 - MERCHANDISE - TV, RADIO, STEREO, VCR - VESTAX MIXER

Item No.	6
Property Category	2806 - MERCHANDISE - TV, RADIO, STEREO, VCR
Property Class	19
IBR Type	19 - MERCHANDISE
UCR Type	F - TV'S, RADIOS, STEREOS, ETC...
Status	ES - EVIDENCE (SEIZED)
Count	1
Value	0
Manufacturer	
Model	
Serial No.	
License No.	
Color	
Description	VESTAX MIXER
Vehicle Year	
Body Style	
State	
License Year	
Recovered Date/Time	
Owner	
Disposition	
Evidence Tag	E28084104
Lock Seals	
Evidence Recovered Date/Time	5/31/2008 2:20:00 AM

**DETROIT POLICE DEPARTMENT FOLLOW-UP
REPORT**

DETROIT POLICE DEPARTMENT

Case No. 0805310096
 Report No. 0805310096.2
 Report Date: 5/31/2008

5

Page 5 of 8

Evidence Recovered By 230853 - SMITH, RAYMOND
 Evidence Recovered From PREMISE
 Evidence Location CD - CENTRAL DISTRICT 1
 Alert(s)

Drug Type
 Drug Quantity
 Drug Measure

Property Notes

Property Description Item 7: 2806 - MERCHANDISE - TV, RADIO, STEREO, VCR - TECHNICS TURNTABLE

Item No. 7
 Property Category 2806 - MERCHANDISE - TV, RADIO, STEREO, VCR
 Property Class 19
 IBR Type 19 - MERCHANDISE
 UCR Type F - TV'S, RADIOS, STEREOS, ETC...
 Status ES - EVIDENCE (SEIZED)

Count 1
 Value 0
 Manufacturer
 Model 1200
 Serial No.
 License No.
 Color
 Description TECHNICS TURNTABLE
 Vehicle Year
 Body Style
 State
 License Year

Recovered Date/Time

Owner
 Disposition
 Evidence Tag E28084204
 Lock Seals
 Evidence Recovered Date/Time 5/31/2008 2:20:00 AM
 Evidence Recovered By 230853 - SMITH, RAYMOND
 Evidence Recovered From PREMISES
 Evidence Location CD - CENTRAL DISTRICT 1
 Alert(s)
 Drug Type
 Drug Quantity
 Drug Measure

Property Notes

Property Description Item 8: 1206 - WINE - (3) 5 LITER CONTAINER OF FRANZIA WINE

Item No. 8
 Property Category 1206 - WINE
 Property Class 02
 IBR Type 02 - ALCOHOL
 UCR Type I - CONSUMABLE GOODS
 Status ES - EVIDENCE (SEIZED)
 Count 3
 Value 0
 Manufacturer
 Model
 Serial No.
 License No.
 Color
 Description (3) 5 LITER CONTAINER OF FRANZIA WINE
 Vehicle Year

DETROIT POLICE DEPARTMENT FOLLOW-UP REPORT

DETROIT POLICE DEPARTMENT

Case No. 0805310096
Report No. 0805310096.2
Report Date: 5/31/2008

6

Page 6 of 8

Body Style
State
License Year

Recovered Date/Time
Owner
Disposition
Evidence Tag E28084304
Lock Seals
Evidence Recovered Date/Time 5/31/2008 2:20:00 AM
Evidence Recovered By 230853 - SMITH, RAYMOND
Evidence Recovered From PREMISE
Evidence Location CD - CENTRAL DISTRICT 1
Alert(s)

Drug Type
Drug Quantity
Drug Measure

Property Notes

Property Description Item 9: 1200 - BEER - 30 PACK OF MILLER BEER IN CAN

Item No. 9
Property Category 1200 - BEER
Property Class 02
IBR Type 02 - ALCOHOL
UCR Type 1 - CONSUMABLE GOODS
Status ES - EVIDENCE (SEIZED)

Count 30
Value 0
Manufacturer
Model

Serial No.
License No.
Color
Description 30 PACK OF MILLER BEER IN CAN
Vehicle Year
Body Style
State
License Year

Recovered Date/Time
Owner
Disposition
Evidence Tag E28084404
Lock Seals

Evidence Recovered Date/Time 5/31/2008 2:20:00 AM
Evidence Recovered By 230853 - SMITH, RAYMOND
Evidence Recovered From PREMISE
Evidence Location CD - CENTRAL DISTRICT 1
Alert(s)

Drug Type
Drug Quantity
Drug Measure

Property Notes

Property Description Item 10: 2102 - BILLS - MISC./ASSORTED - U.S CURRENCY

Item No. 10
Property Category 2102 - BILLS - MISC./ASSORTED
Property Class 20
IBR Type 20 - MONEY
UCR Type A - CURRENCY, NOTES, ETC...
Status ES - EVIDENCE (SEIZED)

DETROIT POLICE DEPARTMENT FOLLOW-UP REPORT

DETROIT POLICE DEPARTMENT

Case No. 0805310096
Report No. 0805310096.2
Report Date: 5/31/2008

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Page 7 of 8

Count 1
Value 367
Manufacturer
Model
Serial No.
License No.
Color
Description U.S CURRENCY
Vehicle Year
Body Style
State
License Year

Recovered Date/Time

Owner

Disposition

Evidence Tag E28084504

Lock Seals

Evidence Recovered Date/Time 5/31/2008 2:20:00 AM

Evidence Recovered By 230853 - SMITH, RAYMOND

Evidence Recovered From PREMISE

Evidence Location CD - CENTRAL DISTRICT 1

Alert(s)

Drug Type

Drug Quantity

Drug Measure

Property Notes \$367.00 IN U.S CURRENCY

Property Description Item 11: 1202 - KEG - 1 KEG OF BEER

Item No. 11

Property Category 1202 - KEG

Property Class 02

IBR Type 02 - ALCOHOL

UCR Type I - CONSUMABLE GOODS

Status ES - EVIDENCE (SEIZED)

Count 1

Value 0

Manufacturer

Model

Serial No.

License No.

Color

Description 1 KEG OF BEER

Vehicle Year

Body Style

State

License Year

Recovered Date/Time

Owner

Disposition

Evidence Tag E28084604

Lock Seals

Evidence Recovered Date/Time 5/31/2008 2:20:00 AM

Evidence Recovered By 230853 - SMITH, RAYMOND

Evidence Recovered From PREMISE

Evidence Location CD - CENTRAL DISTRICT 1

Alert(s)

Drug Type

Drug Quantity

Drug Measure

DETROIT POLICE DEPARTMENT FOLLOW-UP REPORT

DETROIT POLICE DEPARTMENT

Case No. 0805310096
Report No. 0805310096.2
Report Date: 5/31/2008

8

Page 8 of 8

Property Notes

EXHIBIT 30



KYM L. WORTHY
PROSECUTING ATTORNEY

COUNTY OF WAYNE
OFFICE OF THE PROSECUTING ATTORNEY
DETROIT, MICHIGAN

1441 ST. ANTOINE STREET
DETROIT, MICHIGAN 48224-2302

TEL: (313) 224-5177
FAX: (313) 224-0978

June 04, 2008

Alan N Gross
47729 Falcon Drive
Shelby Twp. MI 48315-5008

RE: Release of Vehicle Used in Alleged Violation of Nuisance Laws

Case Number: 08-VEU-75

Seizure Date: 5/31/2008

Description of Vehicle: 2001 Nissan Altima

VIN: 1N4DL01D31C236660

The above named vehicle was allegedly used in the public streets in the County of Wayne for the alleged violation of the Michigan nuisance abatement laws, forbidding lewdness, assignation, prostitution, or controlled substances as defined in §7104 of the Public Health Code. It was seized by officers of Detroit Police Dep. under the Bennis case and MCL 600.3801 et seq., which makes the vehicle subject to possible civil abatement. The Wayne County Prosecutor's Office has explained to the understanding owner(s) his/her/their right to contest the abatement of the vehicle pursuant to MCL 600.3801 et seq. and the undersigned agrees to wave the right to contest.

The Wayne County Prosecutor's Office has received a redemption payment of \$900.00, payable to the Wayne County Prosecutor's Office. Based on the payment of the redemption cost, the Wayne County Prosecutor's Office is authorizing the release of the above named vehicle and associated impound lien. The owner of the vehicle must request that the towing operator notify the "Notification and Crime Reporting Unit" (formerly T.C.R.U.) that the impound lien is to be released. The owner of the vehicle is responsible for the costs of towing and storage payable to the towing company. Should another violation of the nuisance abatement laws of this state involving this or another vehicle owned by you and driven by yourself or Jame Andrew Gross, the settlement fee for redemption of the vehicle will be increased. This precludes any action in this case regarding the vehicle and constitutes a final settlement of the civil nuisance abatement case. This settlement is independent from and has no effect on any criminal charges that may arise from the same incident.

Alan N Gross
Owner / Secured Creditor

Owner Signature & Date

Respectfully Submitted,
James Gonzales
Chief, Special Operations Division

Attorney/Representative for Owner

RELEASE VEHICLE UPON PAYMENT OF TOWING/STORAGE FEES.

Authorized Signature:

Joe Ewall

EXHIBIT 31

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

4 IAN MOBLEY, KIMBERLY MOBLEY,
5 PAUL KAISER, ANGIE WONG,
6 JAMES WASHINGTON, NATHANIEL
7 PRICE, JEROME PRICE, STEPHANIE
8 HOLLANDER, JASON LEVERETTE-SAUNDERS,
9 WANDA LEVERETTE, DARLENE HELLENBERG,
10 THOMAS MAHLER and LAURA MAHLER,

11 Plaintiffs,

12 -vs-

13 No. 10-10675

14 CITY OF DETROIT, VICKI YOST,
15 and DANIEL BUGLO,

16 Defendants.

17 The deposition of JEROME PRICE, taken
18 before Reporter LaVerne M. Reinhardt, CSR-2305, Notary
19 Public in and for the County of Wayne, State of
20 Michigan, at 1394 E. Jefferson Avenue, Detroit,
21 Michigan, on Wednesday, October 27, 2010, commencing at
22 or about the hour of 2:35 p.m.

23 RELIANCE COURT REPORTING
24 (313) 964-3611

1 I N D E X

2 PAGE:

3 Cross Examination by Mr. Ashford

4 E X H I B I T S

5 None.

6 RELIANCE COURT REPORTING
7 (313) 964-3611

1 APPEARANCES:

2 KATHRYN BRUNER JAMES (P71374)
3 Goodman & Hurwitz, P.C.
4 1394 E. Jefferson Avenue
5 Detroit, Michigan 48207
6 (313) 567-6170

7 and

8 DANIEL S. KOROBKIN (P72842)
9 American civil Liberties Union
10 Fund of Michigan
11 2966 Woodward Avenue
12 Detroit, Michigan 48201
13 (313) 578-6824

14 Appearing on behalf of Plaintiffs

15 JERRY L. ASHFORD (P47402)
16 City of Detroit Law Department
17 660 Woodward Avenue
18 Suite 1650
19 Detroit, Michigan 48226
20 (313) 237-3089

21 Appearing on behalf of Defendants

22 RELIANCE COURT REPORTING
23 (313) 964-3611

1 Detroit, Michigan
2 Wednesday, October 27, 2010
3 2:35 p.m.

4 MR. ASHFORD: Off the record.
5 (Discussion held off the
6 record.)

7 MR. ASHFORD: Let the record reflect
8 that this is the deposition of Jerome Price, taken
9 pursuant to the Federal Rules of Civil Procedure,
10 with Notice to all parties, to be used for any and
11 all purposes allowed under the Federal Rules of
12 Civil Procedure.

13 Good afternoon, Mr. Price. My
14 name is Jerry Ashford and I represent the city of
15 Detroit and Detroit police officers in this lawsuit
16 that you filed.

17 Have you ever given any type of
18 testimony in court?

19 THE WITNESS: Yes.

20 MR. ASHFORD: Okay, what kind of
21 proceeding was that?

22 THE WITNESS: Various. I'm an
23 expert witness. I contract with child custody
24 cases, divorce, I've had a couple small claims

25 RELIANCE COURT REPORTING
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<p style="text-align: center;">5</p> <p>1 actions that I had to give testimony on.</p> <p>2 MR. ASHFORD: So you're pretty good</p> <p>3 at this witness stuff.</p> <p>4 THE WITNESS: As good as anyone gets</p> <p>02:39 PM 5 at it, it's not something I look forward to.</p> <p>6 MR. ASHFORD: So you've given</p> <p>7 depositions before?</p> <p>8 THE WITNESS: No, always open court.</p> <p>9 MR. ASHFORD: What's your</p> <p>02:39 PM 10 profession?</p> <p>11 THE WITNESS: I'm a marriage and</p> <p>12 family therapist.</p> <p>13 MR. ASHFORD: Well, you already know</p> <p>14 the rules then concerning, you know, giving</p> <p>02:39 PM 15 testimony. Basically we have a court reporter</p> <p>16 who's here taking down every word that we say so I</p> <p>17 need verbal responses to my questions.</p> <p>18 THE WITNESS: Yes.</p> <p>19 MR. ASHFORD: Also, If I ask you any</p> <p>02:39 PM 20 question and you do not understand the question</p> <p>21 please let me know and I'll rephrase it until</p> <p>22 hopefully you do understand.</p> <p>23 THE WITNESS: Okay.</p> <p>24 J E R O M E P R I C E,</p> <p>25 having first been duly sworn, to testify to the</p> <p style="text-align: center;">RELiance COURT REPORTING</p> <p style="text-align: center;">(313) 964-3611</p>	<p style="text-align: center;">7</p> <p>1 record and now I'm stating it on the record, that</p> <p>2 your Social Security number will only be used in</p> <p>3 the specific instance of where we need documents to</p> <p>4 verify what you've told me or to secure documents</p> <p>02:41 PM 5 in this case and if I should find it necessary to</p> <p>6 use your Social Security number for any other</p> <p>7 reason I will consult with your attorney first and</p> <p>8 I certainly would never disclose a Social Security</p> <p>9 number to a third party.</p> <p>02:42 PM 10 A. Thank you.</p> <p>11 Q. Mr. Price, do you have a Michigan operator's</p> <p>12 license with you today?</p> <p>13 A. Yes.</p> <p>14 Q. May I see it?</p> <p>02:42 PM 15 MR. ASHFORD: Let the record reflect</p> <p>16 that Mr. Price has handed me a Michigan operator's</p> <p>17 license, number P-620-402-051-706 in the name of</p> <p>18 Jerome Adams Price, 604 West Lewiston Avenue,</p> <p>19 Ferndale, Michigan 48220-1204, expires 9-11-2011.</p> <p>02:42 PM 20 Date of birth, 9-11-53. Thank you very much.</p> <p>21 BY MR. ASHFORD:</p> <p>22 Q. Mr. Price, on May 31st of 2008 did you own a motor</p> <p>23 vehicle?</p> <p>24 A. Yes.</p> <p>02:43 PM 25 Q. What kind of motor vehicle did you own?</p> <p style="text-align: center;">RELiance COURT REPORTING</p> <p style="text-align: center;">(313) 964-3611</p>
<p style="text-align: center;">6</p> <p>1 truth, the whole truth and nothing but the truth,</p> <p>2 was examined and testified on his oath as follows:</p> <p>3 CROSS-EXAMINATION</p> <p>4 BY MR. ASHFORD:</p> <p>02:39 PM 5 Q. Can you give me your name, please.</p> <p>6 A. Jerome Allen Price. A-I-I-e-n.</p> <p>7 Q. What's your current address, Mr. Price?</p> <p>8 A. 604 West Lewiston Avenue, L-e-w-i-s-t-o-n, and</p> <p>9 that's Ferndale, Michigan.</p> <p>02:40 PM 10 Q. How long have you lived there?</p> <p>11 A. 1983 so 27 years.</p> <p>12 Q. Who do you live there with?</p> <p>13 A. My wife Janet and my son Nathaniel. And it's</p> <p>14 technically the residence of my 18-year-old son</p> <p>02:40 PM 15 Seth who is away at college.</p> <p>16 Q. How old is Nathaniel?</p> <p>17 A. Twenty-three.</p> <p>18 Q. What is your date of birth?</p> <p>19 A. 9-11-53. Tell me if you need me to speak up at any</p> <p>02:41 PM 20 point. My voice tends to not carry.</p> <p>21 Q. What's your Social Security number?</p> <p>22 A. 370-XX-6368.</p> <p>23 Q. Only put the last four on the record.</p> <p>24 A. And you'll go on record also about the limitation?</p> <p>02:41 PM 25 Q. Yes, as I've explained to you, Mr. Price, off the</p> <p style="text-align: center;">RELiance COURT REPORTING</p> <p style="text-align: center;">(313) 964-3611</p>	<p style="text-align: center;">8</p> <p>1 A. It was a 1992 Chevrolet Corsica. '92 or '94. I'm</p> <p>2 not even positive. I believe it was '92.</p> <p>3 Q. Was that the motor vehicle that was seized by the</p> <p>4 Detroit Police Department on May 31, 2008?</p> <p>02:43 PM 5 A. Yes, it was.</p> <p>6 Q. Did you have any other vehicles?</p> <p>7 A. Yes.</p> <p>8 Q. What other vehicle did you own?</p> <p>9 A. At the time I owned a 1998 Ford Econoline van and a</p> <p>02:43 PM 10 19 -- I'm sorry, 2002 Saturn SL1.</p> <p>11 Q. And you were the registered owner of all three</p> <p>12 vehicles?</p> <p>13 A. Yes.</p> <p>14 Q. Were all three vehicles insured?</p> <p>02:43 PM 15 A. Yes.</p> <p>16 Q. Were they all insured by the same insurance</p> <p>17 company?</p> <p>18 A. Yes.</p> <p>19 Q. What insurance company was that?</p> <p>02:44 PM 20 A. State Farm.</p> <p>21 Q. You wouldn't happen to have the policy number for</p> <p>22 the Chevy Corsica with you, would you?</p> <p>23 A. No, it may be the same policy as the rest of ours</p> <p>24 and that would be out in the car. I can get it for</p> <p>02:44 PM 25 you after the fact if you need it.</p> <p style="text-align: center;">RELiance COURT REPORTING</p> <p style="text-align: center;">(313) 964-3611</p>

<p style="text-align: center;">9</p> <p>1 MS. JAMES: I do believe that may</p> <p>2 have been provided to you in the Rule 26</p> <p>3 disclosures as well.</p> <p>4 BY MR. ASHFORD:</p> <p>02:44PM 5 Q. Where were you born, Mr. Price?</p> <p>6 A. Detroit.</p> <p>7 Q. Did you attend high school in Detroit?</p> <p>8 A. Yes.</p> <p>9 Q. What high school did you attend?</p> <p>02:44PM 10 A. Henry Ford.</p> <p>11 Q. Did you graduate?</p> <p>12 A. Yes.</p> <p>13 Q. What year did you graduate?</p> <p>14 A. That was a little back. Let's see, 1971.</p> <p>02:44PM 15 Q. Do you have any formal education beyond Henry Ford?</p> <p>16 A. Yes, I do.</p> <p>17 Q. What other?</p> <p>18 A. I have a bachelor's degree from -- in psychology</p> <p>19 from Michigan State University and a master's</p> <p>02:45PM 20 degree in counseling from Michigan State</p> <p>21 University. And I attended Wayne State for a year</p> <p>22 and a half when I was an undergrad as part of the</p> <p>23 bachelor's degree.</p> <p>24 Q. Are you currently employed?</p> <p>02:45PM 25 A. Yes.</p> <p style="text-align: center;">RELIANCE COURT REPORTING (313) 964-3611</p>	<p style="text-align: center;">11</p> <p>1 recession, '80, '81 area. Sorry to wreck the</p> <p>2 sequence. Where was I? Children's Aid, Sand Hills</p> <p>3 Community Mental Health. When I came back from</p> <p>4 Sand Hills in 1983 I worked for Family and</p> <p>02:47PM 5 Neighborhood Services in River Rouge and that was</p> <p>6 my last formal employment other than the fact that</p> <p>7 I'm a faculty member at Wayne County Community</p> <p>8 College presently.</p> <p>9 Q. What do you teach?</p> <p>02:48PM 10 A. Introduction to Psychology.</p> <p>11 Q. How long have you been a professor there?</p> <p>12 A. About three years.</p> <p>13 Q. What kind of work do you do in your private</p> <p>14 practice?</p> <p>02:48PM 15 A. A full range of therapy, individuals, children,</p> <p>16 adolescents, divorce, marital.</p> <p>17 Q. You deal with family issues?</p> <p>18 A. We deal with whatever symptoms people present but</p> <p>19 we just use a family therapy context for treating</p> <p>02:48PM 20 it. It's a different treatment model.</p> <p>21 Q. Okay. Can you just briefly describe that for me,</p> <p>22 the model?</p> <p>23 A. Sure. It's called Family Systems. We don't treat</p> <p>24 individuals alone very often, we believe that</p> <p>02:48PM 25 people's symptoms exist within the context of the</p> <p style="text-align: center;">RELIANCE COURT REPORTING (313) 964-3611</p>
<p style="text-align: center;">10</p> <p>1 Q. Where?</p> <p>2 A. I have a private practice in Southfield, Michigan.</p> <p>3 It's called the Michigan Family Institute, PC. I'm</p> <p>4 the owner and director.</p> <p>02:45PM 5 Q. How long have you been in private practice?</p> <p>6 A. Let's see, about 25 years.</p> <p>7 Q. Have you ever worked for any kind of corporate</p> <p>8 entity?</p> <p>9 A. I've worked for agencies.</p> <p>02:46PM 10 Q. What agencies have you worked for?</p> <p>11 A. There were several actually.</p> <p>12 Q. Can you give me the dates that you worked for them?</p> <p>13 A. I graduated in 1978. After I graduated from</p> <p>14 Michigan State in '78 I worked for North Central</p> <p>02:46PM 15 Michigan Community Mental Health, that was for a</p> <p>16 year and a half so through mid '79. I worked for</p> <p>17 Children's Aid Society in Detroit, that was only</p> <p>18 four months because of the '81 recession, some</p> <p>19 financial layoffs, so that was only three or four</p> <p>02:46PM 20 months, that would have been '80-ish. Then I</p> <p>21 worked for Sand Hills Community Mental Health,</p> <p>22 that's in North Carolina. From there -- I was</p> <p>23 there for three and a half years, came back here --</p> <p>24 oh, in the middle of that I worked for Cornerstone</p> <p>02:47PM 25 Counseling also and was laid off during that same</p> <p style="text-align: center;">RELIANCE COURT REPORTING (313) 964-3611</p>	<p style="text-align: center;">12</p> <p>1 people in their lives, their families, their</p> <p>2 employment, their schools, whatever that is, so our</p> <p>3 role is more intervening in the entire situation,</p> <p>4 not just the individual, in order to bring about</p> <p>02:48PM 5 the change.</p> <p>6 Q. Okay. Mr. Price, don't be offended but I ask</p> <p>7 everybody the same question.</p> <p>8 Have you ever been arrested for</p> <p>9 a criminal violation during your adult life?</p> <p>02:48PM 10 A. No.</p> <p>11 MS. JAMES: Objection as to</p> <p>12 relevance.</p> <p>13 BY MR. ASHFORD:</p> <p>14 Q. Your answer was no?</p> <p>02:49PM 15 THE WITNESS: Should I answer?</p> <p>16 MS. JAMES: You can go ahead and</p> <p>17 answer over objections. Unless I instruct you not</p> <p>18 to you can go ahead and answer.</p> <p>19 THE WITNESS: The answer is no.</p> <p>02:49PM 20 BY MR. ASHFORD:</p> <p>21 Q. During your adult life have you ever been treated</p> <p>22 for substance abuse?</p> <p>23 MS. JAMES: Objection as to</p> <p>24 relevancy. Go ahead.</p> <p>02:49PM 25 THE WITNESS: No.</p> <p style="text-align: center;">RELIANCE COURT REPORTING (313) 964-3611</p>

13

1 BY MR. ASHFORD:

2 Q. During your adult life, I know you're a therapist
3 but have you ever been treated by a psychiatrist, a
4 psychologist or a mental health professional?

02:49PM 5 MS. JAMES: Objection as to
6 relevance.

7 THE WITNESS: Yes.

8 BY MR. ASHFORD:

9 Q. Okay, why?

02:49PM 10 MS. JAMES: Objection as to
11 relevance. Go ahead.
12 THE WITNESS: Generally some
13 combination of stress from the profession that I'm
14 in, which the symptoms that went along with that
02:50PM 15 were either, you know, mild anxiety or depression.

16 BY MR. ASHFORD:

17 Q. Okay. When's the last time you were treated?

18 MS. JAMES: Objection as to
19 relevance. Go ahead.

02:50PM 20 THE WITNESS: I've seen a therapist
21 that I've seen periodically throughout many years.
22 Once in the last month.

23 BY MR. ASHFORD:

24 Q. Okay. And usually this is because of stress?

02:50PM 25 MS. JAMES: Objection as to
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14

1 relevance.

2 THE WITNESS: Yes.

3 BY MR. ASHFORD:

4 Q. Mr. Price, have you ever been a member of the
02:50PM 5 Contemporary Art Institute of Detroit?

6 A. No.

7 Q. Have you ever been to the Contemporary Art
8 Institute of Detroit's website?

9 A. No.

02:50PM 10 Q. Have you ever been to a Contemporary Art Institute
11 of Detroit event?

12 A. No. One exception and that's there was a meeting
13 on the gallery property outside at a separate
14 location, property owned by the C.A.I.D., where
02:51PM 15 there was a meeting after all of this happened with
16 the attorneys from the ACLU and that was C.A.I.D.
17 property so I suppose that I should probably
18 disclose that. But it was elsewhere.

19 What do they call the lofts
02:51PM 20 where people do their art work? Not galleries. I
21 haven't got the word.

22 Q. I think I understand what you're speaking of.

23 When is the first time the
24 Contemporary Art Institute of Detroit came to your
02:51PM 25 attention?

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15

1 A. Came to my attention? I don't know that I -- I
2 didn't hear the name itself until all of these
3 events.

02:52PM 4 Q. Okay. Prior to May 31, 2008 had you ever heard of
5 the Contemporary Art Institute of Detroit?

6 A. No.

7 Q. Had your son ever discussed going to any kind of
8 party at the location of the Contemporary Art
9 Institute of Detroit?

02:52PM 10 A. He had discussed going to a place where they
11 danced, I don't think he ever told me at the time
12 the name of it, I'm presuming it was the C.A.I.D.

13 Q. Now when he disclosed this to you was this on an
14 occasion prior to May 31st of 2008 or was it on
02:52PM 15 that date?

16 A. No, it was a prior date.

17 Q. Do you have any knowledge of him being a member of
18 the Contemporary Art Institute of Detroit?

19 A. No.

02:52PM 20 Q. Okay, at some point on May 31st of 2008 it was
21 disclosed to you that your car was gone, that it
22 had been towed, correct?

23 A. Yeah, I think it was. Is the 31st the day after
24 because of this all happening after midnight, is
02:53PM 25 that right?

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16

1 Q. Yes, we believe that May 31st was the morning.

2 A. It would have been that period of time, yes,
3 sometime on that date.

02:53PM 4 Q. Your son Nathaniel Price had been using the Chevy
5 Corsica on May 30th of 2008; is that correct?

6 A. Yes.

7 Q. Was he operating that vehicle with your permission?

8 A. Yes.

02:54PM 9 Q. Did he disclose to you that he was going to this
10 party using that vehicle?

11 A. No.

12 Q. To your knowledge what was he -- why was he
13 operating the vehicle?

02:54PM 14 A. He had that vehicle full-time even though it was in
15 my name. It's the legal formality that it was
16 mine, he operated it regularly so I didn't keep
17 track of where he went with it so I didn't have an
18 understanding of anything in particular.

02:54PM 19 Q. When on May 31st of 2008 did you find out that the
20 car had been towed?

21 A. I think it was after we woke up in the morning,
22 because they got -- he didn't get home until really
23 early morning so it was some time that morning of
24 the 31st.

02:54PM 25 Q. Did he tell you how he got home?

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<p style="text-align: center;">17</p> <p>1 A. Yes.</p> <p>2 Q. How?</p> <p>3 A. A friend of his who lives in Sterling Heights, his</p> <p>4 name is Josh, they called him and apparently they</p> <p>02:55PM 5 were walking down Woodward, holding on to some of</p> <p>6 their possessions walking down Woodward Avenue in</p> <p>7 the middle of the night with no transportation and</p> <p>8 were calling people to try to get them to come get</p> <p>9 them and Josh was willing and able.</p> <p>02:55PM 10 Q. Okay. You were not present at the Contemporary Art</p> <p>11 Institute of Detroit on the night of May 30th of</p> <p>12 2008 into the morning hours of May 31, 2008,</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>02:56PM 15 Q. You have no personal knowledge of what occurred</p> <p>16 there?</p> <p>17 A. Correct.</p> <p>18 Q. What did your son tell you about the vehicle</p> <p>19 seizure?</p> <p>02:56PM 20 A. He told me -- well, obviously he walked me through</p> <p>21 what had happened and the actual police entry. You</p> <p>22 don't want that information, just from the point of</p> <p>23 the seizure itself or the entire process?</p> <p>24 Q. What did he tell you?</p> <p>02:56PM 25 A. He told me that he had walked in the door of the</p> <p style="text-align: center;">RELiance COURT REPORTING</p> <p style="text-align: center;">(313) 964-3611</p>	<p style="text-align: center;">19</p> <p>1 him that he might not ever get it back and he had a</p> <p>2 lot of personal possessions in the car and at that</p> <p>3 point they took his car and they started walking.</p> <p>4 That's pretty much it.</p> <p>02:58PM 5 Q. Did he have any paperwork regarding the seizure of</p> <p>6 his vehicle?</p> <p>7 A. Yeah, we had one piece of paper when he came home.</p> <p>8 He said that he had been told that it would be</p> <p>9 available for claiming, there was no information on</p> <p>02:58PM 10 money or anything, by about Monday. There was a</p> <p>11 piece of paper that had some explanation, it might</p> <p>12 have had a contact phone number. Although that</p> <p>13 contact phone number never accessed anyone, it took</p> <p>14 searching multiple police stations and numbers to</p> <p>02:58PM 15 figure out anything about where the car was. But</p> <p>16 to answer your question, he had one piece of paper.</p> <p>17 Q. Let me show you what's been marked as Defendant's</p> <p>18 Exhibit No. 1. I know it's not the exact piece of</p> <p>19 paper.</p> <p>02:58PM 20 A. This wasn't what he had at all.</p> <p>21 Q. So that's not the type of document that he had?</p> <p>22 A. No. It was a slip of paper that had a phone number</p> <p>23 and some typed information on it. He had nothing</p> <p>24 like this.</p> <p>02:58PM 25 Q. Thank you. Did you find out who had the car?</p> <p style="text-align: center;">RELiance COURT REPORTING</p> <p style="text-align: center;">(313) 964-3611</p>
<p style="text-align: center;">18</p> <p>1 C.A.I.D., had been there about five minutes and the</p> <p>2 police broke in, guns leveled at him and other</p> <p>3 people, pushed people to the floor, had people</p> <p>4 laying on the floor. At first I think it was a</p> <p>02:56PM 5 period of time and then quite a bit longer period</p> <p>6 of time kneeling on the floor.</p> <p>7 You know, that the officers</p> <p>8 were laughing and joking during that period of</p> <p>9 time. That somewhere along the line they separated</p> <p>02:56PM 10 the women from the men and allowed the women to be</p> <p>11 more comfortable while leaving the men on the</p> <p>12 floor. And then one by one processed each of them,</p> <p>13 searching them and whatever else they did at that</p> <p>14 point. I don't know anymore detail than that.</p> <p>02:57PM 15 Once that was done, Nathaniel,</p> <p>16 his explanation to me was that he went to go out</p> <p>17 and leave and he was asked whether he drove there</p> <p>18 and he said yes. They asked for his keys. He gave</p> <p>19 them to him which, by the way, was a problem</p> <p>02:57PM 20 because they took all of his keys, not his car keys</p> <p>21 only, so he had no house keys, so he had no way of</p> <p>22 getting back in the house and thankfully we were at</p> <p>23 home, and told him to take possessions he needed.</p> <p>24 That no one disclosed to him that his -- then they</p> <p>02:57PM 25 said it would be towed. But no one disclosed to</p> <p style="text-align: center;">RELiance COURT REPORTING</p> <p style="text-align: center;">(313) 964-3611</p>	<p style="text-align: center;">20</p> <p>1 A. About a week later.</p> <p>2 Q. How did you find out?</p> <p>3 A. Well, I found out who we believed had the car.</p> <p>4 Q. Okay.</p> <p>02:58PM 5 A. Let's see. Well, basically I didn't find out who</p> <p>6 had the car until -- no, there was someone I</p> <p>7 called, I don't know if it was the police</p> <p>8 department or the prosecutor's office, told me the</p> <p>9 name of the towing yard where the car was supposed</p> <p>02:58PM 10 to be held, I don't remember which, by phone.</p> <p>11 Q. Who did you call at first? Did you call the</p> <p>12 prosecutor's office or the police department?</p> <p>13 A. There was a phone number on the -- there was more --</p> <p>14 than one call. I don't remember ever getting any</p> <p>02:59PM 15 answers at the prosecutor's office so I think it</p> <p>16 was the Detroit Police Department that located it</p> <p>17 in the computer, you know, where it was.</p> <p>18 Q. Okay. Where was it?</p> <p>19 A. It was -- I don't remember the name of the towing</p> <p>03:00PM 20 yard now after all this time. It should be in the</p> <p>21 record. But it was at Trumbull, something and</p> <p>22 Trumbull Towing. Right around, not too far from</p> <p>23 Tiger Stadium. The old Tiger Stadium. Should I go</p> <p>24 to the record to get you that, should I access</p> <p>03:00PM 25 accurate information on that? I just don't</p> <p style="text-align: center;">RELiance COURT REPORTING</p> <p style="text-align: center;">(313) 964-3611</p>

<p style="text-align: center;">21</p> <p>1 remember what it was. Something and Trumbull</p> <p>2 Towing, towing at two corners of a street.</p> <p>3 Q. After receiving this information what did you do?</p> <p>4 A. We arranged for a time following their directions</p> <p>03:00PM 5 for my son and I to go to the prosecutor's office.</p> <p>6 Nathaniel. We went, we paid the \$900 fine. We</p> <p>7 actually waited about a week, I don't remember</p> <p>8 exactly how long it was because we were still</p> <p>9 trying to decide whether we were going to be part</p> <p>03:01PM 10 of a legal opposition to the seizing of the cars.</p> <p>11 Q. And this was the Wayne County Prosecutor's Office,</p> <p>12 correct?</p> <p>13 A. Yes. But when we finally did that's where we went</p> <p>14 first.</p> <p>03:01PM 15 Q. Why did you decide not to fight the seizure of the</p> <p>16 car and the fee?</p> <p>17 A. Because with the \$900 fee the possibility of losing</p> <p>18 that and having to pay that anyways and the threat</p> <p>19 of accumulation of storage fees that could come to</p> <p>03:01PM 20 hundreds and hundreds of dollars, what we had to</p> <p>21 gain could actually wind up costing us more than</p> <p>22 the car was worth, so it was a financial</p> <p>23 consideration. Because we understood from the ACLU</p> <p>24 that it could take months.</p> <p>03:01PM 25 Q. So it was a risk benefit analysis?</p> <p style="text-align: center;">RELiance COURT REPORTING (313) 964-3611</p>	<p style="text-align: center;">23</p> <p>1 Q. Okay. So they gave you a document?</p> <p>2 A. They said a variety of things.</p> <p>3 Q. Okay. Is it like a release form? What is it?</p> <p>4 A. It was a release form. And also a fairly lengthy</p> <p>03:03PM 5 explanation of a variety of things.</p> <p>6 Q. Do you have that form with you currently?</p> <p>7 A. No, it's in the record. I've turned in a copy to</p> <p>8 the ACLU.</p> <p>9 MR. ASHFORD: Off the record for a</p> <p>03:03PM 10 minute.</p> <p>11 (Discussion held off the</p> <p>12 record.)</p> <p>13 MR. ASHFORD: Back on the record.</p> <p>14 BY MR. ASHFORD:</p> <p>03:13PM 15 Q. So Mr. Price, you were informed by the Detroit</p> <p>16 Police Department that your Chevy Corsica was at</p> <p>17 the Trumbull Towing yard?</p> <p>18 A. Boulevard and Trumbull, I saw it on the paperwork,</p> <p>19 yes.</p> <p>03:13PM 20 Q. So how did you respond to that?</p> <p>21 A. At that point I took the form that they gave me</p> <p>22 that would release the car, not this form,</p> <p>23 something else they gave me, and went to the towing</p> <p>24 yard. We were on a mission that day to get this</p> <p>03:13PM 25 all done.</p> <p style="text-align: center;">RELiance COURT REPORTING (313) 964-3611</p>
<p style="text-align: center;">22</p> <p>1 A. Basically, yes. And the need for the use of the</p> <p>2 car.</p> <p>3 Q. So you paid the \$900?</p> <p>4 A. Yes.</p> <p>03:02PM 5 Q. And then what happened? By the way, who did you</p> <p>6 pay that fee to?</p> <p>7 A. To the Wayne County Prosecutor's Office.</p> <p>8 Q. Okay. And then what happened?</p> <p>9 A. Then they sent us to the Detroit Police Department,</p> <p>03:02PM 10 I think it was the 1st Precinct, the main station</p> <p>11 right next door.</p> <p>12 Q. On 1300 Beaubien?</p> <p>13 A. Yes, that sounds correct.</p> <p>14 Q. Then what happened?</p> <p>03:02PM 15 A. And then they located where they believed our car</p> <p>16 to be, gave us that information, I guess contacted</p> <p>17 them, I don't remember that for sure, to let them</p> <p>18 know that we were coming, but I don't think so. I</p> <p>19 think they just located it in the computer and sent</p> <p>03:02PM 20 us there to go get it.</p> <p>21 Q. Okay. When you go to Wayne County and you pay the</p> <p>22 fee do they give you some type of -- something</p> <p>23 indicating that the Detroit Police Department can</p> <p>24 give you this information about where your car is?</p> <p>03:02PM 25 A. There was a document.</p> <p style="text-align: center;">RELiance COURT REPORTING (313) 964-3611</p>	<p style="text-align: center;">24</p> <p>1 Q. Then what happened?</p> <p>2 A. When we arrived at the towing yard we sat for quite</p> <p>3 a while and, you know, waiting, and finally they</p> <p>4 came out and said that there had been an error,</p> <p>03:13PM 5 that it was at another towing yard and somewhere</p> <p>6 down around Bagley and something else they owned</p> <p>7 but a different name.</p> <p>8 Q. What date was this?</p> <p>9 A. I'm not certain.</p> <p>03:14PM 10 Q. Okay. Do you know how long it was after the</p> <p>11 vehicle seizure?</p> <p>12 A. Probably about three weeks.</p> <p>13 Q. Okay. So then what happened after they told you it</p> <p>14 was at a Bagley towing yard?</p> <p>03:14PM 15 A. We got in the car and drove about 20 minutes to</p> <p>16 this other towing yard.</p> <p>17 Q. And were you driving one of your other vehicles?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. What happened after you arrived at the other</p> <p>03:14PM 20 towing yard?</p> <p>21 A. We were there for a half hour or 40 minutes. They</p> <p>22 offered us the keys to a car saying that they had</p> <p>23 our car and it turned out to be a very nice Chevy</p> <p>24 Impala which I wouldn't have minded taking but it</p> <p>03:14PM 25 wasn't ours and being the honest people that we are</p> <p style="text-align: center;">RELiance COURT REPORTING (313) 964-3611</p>

25

1 we told them it wasn't ours.

2 Q. So then what happened?

3 A. They called back down to the other towing yard, the

4 original one, and the towing yard said send them

03:15PM 5 back here, apparently, based on what they told us

6 at this towing yard, so we went back to the

7 original towing yard, sat for a few minutes and

8 then a relatively contrite looking man, the manager

9 I guess, came out and explained to us that our car

03:15PM 10 had been stolen three weeks earlier.

11 So it must have been more than

12 three weeks, it must have been more like a month,

13 after the original incident.

14 Q. Do you know the name of this manager?

03:15PM 15 A. No, but it should be in the records, we have forms

16 signed by him. Matt something, I can't remember

17 his last name. And that the car had been stolen.

18 Q. Did they make a police report?

19 A. They said they tried to make a police report but

03:16PM 20 the Detroit Police said they refused, said

21 something about it being on private property and it

22 not being their vehicle and therefore they couldn't

23 take a report on it if it wasn't their vehicle so

24 basically they said there wasn't.

03:16PM 25 Q. Did you make a police report?

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1 A. Yes, we went from there to the Southwest Detroit

2 police station after talking with them at some

3 length. And we had already paid the money for the

4 storage and he did return the money for the

03:16PM 5 storage.

6 Q. Matt returned the money?

7 A. Yes, that we had given him a couple hours earlier

8 because he didn't have a car to give us back.

9 Q. Did Matt tell you why he didn't know that your car

03:16PM 10 had been stolen the first time that you appeared at

11 the towing yard?

12 A. Not really, just that it's a big place. That was

13 as articulate as they got.

14 Q. Did the Detroit Police Department ever find your

03:16PM 15 vehicle?

16 A. No.

17 Q. Did you ever hear anything else from the Detroit

18 Police Department after you made the police report?

19 A. No.

03:17PM 20 Q. Did you ever make a citizen's complaint concerning

21 the police action of May 31st of 2008 with the

22 Detroit Police Department?

23 A. No, I didn't.

24 Q. Did you ever file an insurance claim concerning the

03:17PM 25 stolen vehicle?

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1 A. We only had personal liability on it, there was no

2 collision or theft coverage so there was nothing to

3 file.

4 Q. Did you file any type of legal claim against the

03:17PM 5 towing company or the towing yard based upon what

6 happened to your vehicle?

7 A. After another couple of months of them promising us

8 an equivalent vehicle, and I was agreeable to

9 taking an equivalent vehicle that they had legal

03:16PM 10 ownership of, after waiting a couple of months with

11 all sorts of promises and nothing coming to

12 fruition I filed a small claims action in Wayne

13 County 36th District Court I believe against the

14 towing yard.

03:16PM 15 Q. What was the result of that action?

16 A. We mediated a \$1300 settlement.

17 Q. Was that to your satisfaction?

18 A. Not really. I mean it didn't cover my expenses. I

19 felt that it was the wise thing to do to cut my

03:18PM 20 damages at that point. It didn't come anywhere

21 near settling my losses, just on the car and its

22 possessions.

23 Q. What were your losses?

24 A. Well, what I told them there in terms of -- now

03:18PM 25 we're talking physical losses, not my time or a

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1 variety of other things, but based on the actual

2 losses to the car, the car was now booked at around

3 \$2,000 but possessions in the car included a couple

4 baseball bats, couple of baseball mitts, 2 MP3

03:18PM 5 players, a basketball and there were additional

6 things as well so I had estimated -- oh, a set of

7 golf clubs, Nathaniel's golf clubs, so the

8 possessions I figured and the car came to maybe

9 \$3,000, that's what I filed the claim for.

03:19PM 10 Q. Besides damages that we've discussed here today did

11 you suffer any other type of damages as a result of

12 the police action that occurred on May 31, 2008 at

13 the C.A.I.D.?

14 A. Well, certainly the loss of the \$900 without

03:20PM 15 getting the car which was part of the release,

16 included getting the car, and no response from the

17 prosecutor's office to any of my calls requesting

18 to be able to discuss that, and a good many hours

19 of my time. You know, that day alone was a full

03:20PM 20 day off practice. I see an average of five to six

21 clients a day at \$140 an hour, probably 130 back

22 then, so it was between that and all the phone time

23 and anxiety is a whole other issue but it mostly

24 came down to a whole lot of hours spent which I'd

03:21PM 25 have to calculate to come up with how much it was

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<p style="text-align: center;">29</p> <p>1 considering that, and also the necessity of</p> <p>2 purchasing another car.</p> <p>3 Q. What do you mean anxiety is a whole other issue?</p> <p>4 A. Well, I mean this was an anxiety provoking</p> <p>03:21PM 5 situation so I was angry a lot of the time,</p> <p>6 particularly that the idea of guns being leveled at</p> <p>7 my son.</p> <p>8 I grew up in Detroit, I'm a</p> <p>9 supporter of this city, we've always spent time in</p> <p>03:21PM 10 this city, I've worked in Wayne County, I still do,</p> <p>11 and then my son going to Wayne State, I had some</p> <p>12 misgivings about whether there could be danger from</p> <p>13 crime. I didn't have any suspicion that the danger</p> <p>14 to him would be from the police. And the idea of</p> <p>03:21PM 15 anyone leveling a gun at my son infuriates me when</p> <p>16 all he did was walk in the door of a club and he</p> <p>17 wasn't even there five minutes or whatever the</p> <p>18 place was.</p> <p>19 Q. Did you have any anger towards the Wayne County</p> <p>03:22PM 20 Prosecutor's Office?</p> <p>21 A. Yes.</p> <p>22 Q. Why?</p> <p>23 A. Because they wouldn't respond. And obviously</p> <p>24 because they wouldn't return the money even though</p> <p>03:22PM 25 the car was never released.</p> <p style="text-align: center;">RELiance COURT REPORTING (313) 964-3611</p>	<p style="text-align: center;">31</p> <p>1 Q. Did you have any anger that was directed toward the</p> <p>2 towing company or the towing yard?</p> <p>3 A. Certainly.</p> <p>4 Q. Why?</p> <p>03:24PM 5 A. Well, first off, because I wasn't convinced they</p> <p>6 were being on the up and up totally about what</p> <p>7 happened about the car, where it went, how it</p> <p>8 disappeared. The story was questionable about the</p> <p>9 Detroit Police not taking a report, and primarily,</p> <p>03:24PM 10 you know, because I stayed without a car for</p> <p>11 another couple of months while I was waiting for</p> <p>12 them to try to come up with an equivalent vehicle</p> <p>13 when it appears that they never had the intention</p> <p>14 of coming up with something. You know, they came</p> <p>03:24PM 15 up with one offer which was outrageous.</p> <p>16 Q. What offer was that?</p> <p>17 A. They offered me a 1987 full size van that was</p> <p>18 rusting out. And had 179,000 miles on it or</p> <p>19 something. So they made one offer and that was a</p> <p>03:25PM 20 couple months later so yeah, I was angry about the</p> <p>21 fact that I felt led on by them.</p> <p>22 Q. Any other damages that we have not discussed here</p> <p>23 today that you suffered?</p> <p>24 A. Nothing else I can think of at the moment.</p> <p>03:25PM 25 Q. Anything else you want to tell me about your claim</p> <p style="text-align: center;">RELiance COURT REPORTING (313) 964-3611</p>
<p style="text-align: center;">30</p> <p>1 Q. Did you have any anger that you felt towards the</p> <p>2 Contemporary Art Institute of Detroit?</p> <p>3 A. Not really.</p> <p>4 Q. Why not?</p> <p>03:22PM 5 A. Because to me it wasn't part of the incident. That</p> <p>6 was -- nothing was being done to endanger my son</p> <p>7 that I'm aware of up to that point and my anger was</p> <p>8 about damages to us, the helplessness of having the</p> <p>9 police department and the prosecutor's office not</p> <p>03:23PM 10 respond in any way, particularly the prosecutor's</p> <p>11 office at that point, that, you know, just knowing</p> <p>12 that that could even happen to my son, you know,</p> <p>13 when I knew for a fact that due to a medical</p> <p>14 condition he couldn't drink that night so it wasn't</p> <p>03:23PM 15 even an option.</p> <p>16 Q. What medical condition is that?</p> <p>17 A. Within a few nights before he had had an esophageal</p> <p>18 spasm which feels look a heart attack to the person</p> <p>19 and he was in the emergency room at Beaumont</p> <p>03:23PM 20 Hospital and the doctors made it very clear if he</p> <p>21 drank anything any time soon he would have the</p> <p>22 exact same thing happen again.</p> <p>23 So one of the reasons I wasn't</p> <p>24 angry at them was because I was confident about</p> <p>03:23PM 25 what he was there for.</p> <p style="text-align: center;">RELiance COURT REPORTING (313) 964-3611</p>	<p style="text-align: center;">32</p> <p>1 against the city of Detroit and its police</p> <p>2 officers?</p> <p>3 A. No, I feel that that seems pretty complete.</p> <p>4 MR. ASHFORD: Okay. Thank you very</p> <p>03:25PM 5 much. I have no further questions.</p> <p>6 MS. JAMES: Me neither.</p> <p>7 MR. ASHFORD: Thank you.</p> <p>8 THE WITNESS: Thank you.</p> <p>9 (Deposition concluded at</p> <p>10 3:25 p.m.)</p> <p>11 -----</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">RELiance COURT REPORTING (313) 964-3611</p>

1 CERTIFICATE OF NOTARY

2 STATE OF MICHIGAN)

) SS

3 COUNTY OF WAYNE)

4 I, LaVerne M. Reinhardt, CSR, Notary Public in
5 and for the above county and state, do hereby certify
6 that the deposition of JEROME PRICE, was taken before me
7 at the time and place hereinbefore set forth, that the
8 witness was duly sworn to testify to the truth, the
9 whole truth and nothing but the truth, that thereupon
10 the foregoing questions were asked and foregoing answers
11 were made by the witness which were duly recorded by me
12 stenographically and later reduced to computer
13 transcription; and I certify that this is a true and
14 correct transcript of my stenographic notes so taken.

15 I further certify that the signature was
16 waived by counsel for the respective parties hereto;
17 also, that I am not of counsel to either party nor
18 interested in the event of this cause.

21 _____
22 LaVerne M. Reinhardt, CSR-2305
23 Notary Public, Wayne County,
24 Michigan
25 My Commission Expires: 01-02-15

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